Defendant's Exhibit 7

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3

4   IN RE: FACEBOOK, INC. CONSUMER) MDL No. 2843

5   PRIVACY USER PROFILE LITIGATION) Case No.

6   _____) 18-md-02843-VC

7   This document relates to:)

8   ALL ACTIONS   )

9   _____)

10

11

12

13   *** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY ***

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15

16   REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF

17   FACEBOOK INC. REPRESENTATIVE,

18   KONSTANTINOS PAPAMILTIADIS

19   TUESDAY, FEBRUARY 23, 2021

20

21

22   Reported by:

23   Ashala Tylor, CSR #2436, CLR, CRR, RPR

24   JOB NO. 4473154

25   PAGES 1 - 280

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8   ALL ACTIONS   )

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16   Videotaped deposition of FACEBOOK, INC.

17   REPRESENTATIVE, KONSTANTINOS PAPAMILTIADIS taken via

18   virtual Zoom, commencing at 9:10 a.m. and ending at

19   3:58 p.m., on Tuesday, February 23, 2021, before Ashala

20   Tylor, CSR No. 2436, RPR, CRR, CLR.

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 1    APPEARANCES OF COUNSEL:

 2   FOR THE PLAINTIFF:

 3         BLEICHMAR FONTI & AULD LLP

 4         BY:   LESLEY E. WEAVER, ESQ.

 5               ANNE DAVIS, ESQ.

 6               MATTHEW MONTGOMERY, ESQ.

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HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

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 1    A P P E A R A N C E S (continued)

 2    FOR PLAINTIFFS:

 3          KELLER ROHRBACK LLP

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 5                CARI C.  LAUFENBERG, ESQ.

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Page 4

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 1   A P P E A R A N C E S (continued)

 2    FOR THE DEFENDANT FACEBOOK, INC.:

 3          GIBSON, DUNN & CRUTCHER LLP

 4          BY:  DEBORAH STEIN, ESQ.

 5               MARTIE KUTSCHER CLARK, ESQ.

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 8          213.229.7000

 9          dstein@gibsondunn.com

10          mkutscherClark@gibsondunn.com

11                  - and -

12          GIBSON DUNN & CRUTCHER LLP

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14          200 Park Avenue, 47th Floor

15          New York, New York  10166

16          212.351.4000

17          lmumm@gibsondunn.com

18

19   Also Present:

20          Ian Chen, In-House Facebook Counsel

21          Kimberly Decker, Videographer

22

23

24

25
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1   I N D E X

2   WITNESS   EXAMINATION BY   PAGE

3   KONSTANTINOS PAPAMILTIADIS

4   Ms. Weaver   9, 171

5

6   E X H I B I T S

7   NO.   DESCRIPTION   PAGE

8   Exhibit 1   Plaintiffs' Amended Notice of   10

9   Deposition of Defendant Facebook,

10   Inc. Pursuant to Federal Rule of

11   Civil Procedure 30(b)(6)

12   Exhibit 2   Discovery Order No. 9   10

13   (Dkt. Nos. 515, 526, 537, 548)

14   Exhibit 3   Email from Simone LiTrenta to   49

15   Matt Scutari and others, 5-8-14,

16   FB CA MDL 00213423 - 443

17   Exhibit 4   Email exchange, top one from   240

18   Simon Cross to Steven Elia,

19   1-29-15, FB-CA-MDL-00227697 - 699

20   Exhibit 5   Excel spreadsheet,   265

21   FB-CA-MDL-01434884.csv

22   Exhibit 6   Excel spreadsheet,   266

23   FB-CA-MDL-01434885.csv

24   Instruction Not to Answer

25   Page 91, LIne 9

                                           Page 6

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	Tuesday, February 23, 2021	
2	9:10 a.m.	
3	--o0o--	
4		
5	THE VIDEOGRAPHER: Good morning. We are	09:10
6	going on the record at 9:10 a.m. on February 23rd of	09:10
7	2021. All participants are attending remotely.	09:10
8	Audio and video recording will continue to	09:10
9	take place unless all parties agree to go off the	09:10
10	record.	09:10
11	This is Media Unit 1 of the recorded	09:10
12	deposition of Facebook, Inc. representative,	09:10
13	Konstantinos Papamiltiadis, taken by counsel for the	09:10
14	plaintiffs in the matter of Facebook, Inc. Consumer	09:10
15	Privacy User Profile Litigation filed in the	09:10
16	United States District Court, Northern District of	09:10
17	California, Case Number 18-md-02843-VC.	09:10
18	My name is Kimberly Decker from Veritext	09:10
19	Legal Solutions and I'm the videographer. The court	09:10
20	reporter is Ashala Tylor. I'm not related to any	09:10
21	party in this action, nor am I financially	09:11
22	interested in the outcome.	09:11
23	Counsel and all present will now state	09:11
24	their appearances and affiliations for the record.	09:11
25	If there are any objections to proceeding, please	09:11

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1	state them at the time of your appearance, beginning	09:11
2	with the noticing attorney.	09:11
3	MS. WEAVER: Good morning, everybody. I'm	09:11
4	Lesley Weaver, co-lead counsel for plaintiffs and	09:11
5	from Bleichmar Fonti & Auld.	09:11
6	MS. DAVIS: Good morning. Anne Davis also	09:11
7	for plaintiffs, Bleichmar Fonti & Auld.	09:11
8	MR. MONTGOMERY: Matthew Montgomery for	09:11
9	plaintiffs, Bleichmar Fonti & Auld.	09:11
10	MR. MELAMED: Matt Melamed for plaintiffs,	09:11
11	Bleichmar Fonti & Auld.	09:11
12	MS. LAUFENBERG: Cari Laufenberg for	09:11
13	plaintiffs from Keller --	09:11
14	THE REPORTER: I'm sorry, one more time,	09:11
15	please.	09:11
16	MS. LAUFENBERG: Cari Laufenberg for	09:11
17	plaintiffs from Keller Rohrback.	09:11
18	MR. KO: David Ko of Keller Rohrback also	09:11
19	on behalf of the plaintiffs. Good morning.	09:12
20	MR. LOESER: Good morning. Derek Loeser	09:12
21	from Keller Rohrback for plaintiffs.	09:12
22	MS. STEIN: Are you ready for defendant?	09:12
23	Deborah Stein from Gibson, Dunn on behalf	09:12
24	of defendant Facebook.	09:12
25	MS. CLARK: Martie Kutscher Clark from	09:12

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1	Gibson, Dunn also on behalf of Facebook.	09:12
2	MS. MUMM: Laura Mumm from Gibson, Dunn on	09:12
3	behalf of Facebook.	09:12
4	MR. CHEN: And this is Ian Chen. I am	09:12
5	in-house counsel for Facebook.	09:12
6	THE VIDEOGRAPHER: Would the court	09:12
7	reporter please swear in the witness.	09:12
8		09:13
9	KONSTANTINOS PAPAMILTIADIS,	09:13
10	being first duly sworn or affirmed to testify	09:13
11	to the truth, the whole truth, and nothing but	09:13
12	the truth, was examined and testified as follows:	09:13
13	THE REPORTER: Proceed, Counsel.	09:13
14	EXAMINATION	09:13
15	BY MS. WEAVER:	09:13
16	Q. Good morning. And thank you very much for	09:13
17	being here this morning and as we adjust to this new	09:13
18	process.	09:13
19	May I address you as K.P. throughout the	09:13
20	deposition or would you prefer Mr. Papamiltiadis?	09:13
21	A. I don't need to ask counsel's permission	09:13
22	to answer that question. I guess you can.	09:13
23	Q. All right. You come prepared.	09:13
24	I'm going to start by marking a couple of	09:13
25	exhibits, and I think that you've practiced with	09:13

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1	BY MS. WEAVER:	09:57
2	Q. Do you have an Exhibit 3?	09:57
3	A. So we're going to 3?	09:57
4	Q. We are going to 3.	09:58
5	A. Okay. I don't see it yet.	09:58
6	Q. I think you might need to refresh.	09:58
7	Do you have Exhibit 3 yet?	09:58
8	A. Yes.	09:58
9	Q. Okay.	09:58
10	MS. WEAVER: For the record, Exhibit 3 is	09:58
11	an email dated May 8, 2014, with some attachments.	09:58
12	Q. Have you seen Exhibit 3 before?	09:58
13	A. No, I haven't.	09:58
14	Q. Okay. Did --	09:58
15	MS. STEIN: Why don't you give the witness	09:58
16	an opportunity to review the document.	09:58
17	MS. WEAVER: Okay. Thanks, Deb. You were	09:58
18	about to get in trouble.	09:58
19	Q. So there's the cover email, K.P., but if	09:58
20	you look at the attachment, and I direct your	09:58
21	attention to the Bates number that ends with 424.	09:58
22	Remember the -- if you look at the bottom there.	09:58
23	THE WITNESS: Yes, I've seen those pages,	09:58
24	yes.	09:59
25		

1	BY MS. WEAVER:	09:59
2	Q. Okay. And when did you last see them?	09:59
3	A. Either yesterday or Friday.	09:59
4	Q. When did you first see them?	09:59
5	A. Maybe Friday.	09:59
6	Q. Okay. You hadn't seen them before Friday?	09:59
7	A. No.	09:59
8	Q. Is that right? Okay.	09:59
9	Do you have an understanding as to what	09:59
10	Exhibit 3 is?	09:59
11	A. I don't know the contents of the email,	09:59
12	but I think I can understand the page that you asked	09:59
13	me to look at, what it meant to be.	09:59
14	Q. Okay. And what is your understanding?	09:59
15	A. It's definition of different data that	09:59
16	Facebook may have accessed.	09:59
17	Q. Okay. And let me back up again. This is	09:59
18	foundational. Do people communicate by email at	09:59
19	Facebook?	09:59
20	A. It's one of the ways to communicate, yes.	09:59
21	Q. How else do people communicate in the	09:59
22	course of doing business at Facebook?	09:59
23	A. We use a version of the product that is	09:59
24	designed for the business world called Workplace.	09:59
25	We use a version of our Messenger product, which is	10:00

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1	also an example, a device called Workset. We use	10:00
2	emails. We use Zoom. We use other	10:00
3	videoconferencing facilities. We use our telephones	10:00
4	to call each other. Different ways.	10:00
5	Q. And people text as well; is that right?	10:00
6	A. We don't like text messaging. We have our	10:00
7	own messaging apps.	10:00
8	Q. Just out of curiosity, is the Facebook	10:00
9	Messenger that people that work at Facebook use, is	10:00
10	that different than the Facebook Messenger that	10:00
11	users on the platform use, or is it the same?	10:00
12	A. I mean I use Messenger the same way you	10:00
13	would use it. But internally I don't use that	10:00
14	version of the product. I use an Enterprise	10:00
15	personal product --	10:00
16	Q. Okay.	10:00
17	A. -- which is called Workset.	10:00
18	Q. And what's the difference functionally	10:00
19	between those two?	10:00
20	MS. STEIN: Objection. This is like way	10:00
21	beyond the scope about what employees at Facebook	10:00
22	use.	10:01
23	MS. WEAVER: Okay. Fine. It's fine. I	10:01
24	was trying to establish a foundation, but I guess we	10:01
25	can come back to that in another deposition.	10:01

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1	Q. So, K.P., back to Exhibit 3. Do you who	10:01
2	Simone LiTrenta is?	10:01
3	A. No.	10:01
4	Q. Okay. Looking at just the cover email, do	10:01
5	you recognize the names of anybody on this email as	10:01
6	individuals who work at Facebook?	10:01
7	A. I recognize Matt Scutari, Rob Sherman, and	10:01
8	Erin Egan.	10:01
9	Q. And you understand that those are	10:01
10	employees of Facebook during the time this email was	10:01
11	written; is that right?	10:01
12	A. That is 2014? Yes, I believe so.	10:01
13	Q. Okay. And do you believe Exhibit 3 to be	10:01
14	an email sent by employees at Facebook in the	10:01
15	regular course of business?	10:01
16	A. Yes, that looks like.	10:01
17	Q. Okay. Do you have an understanding as to	10:01
18	what the materials that are attached to this email	10:02
19	are?	10:02
20	A. I think it's a set of definitions that --	10:02
21	or slides that were meant to be presented at an	10:02
22	off-site.	10:02
23	Q. Okay. And what is -- do you know what the	10:02
24	global policy team is?	10:02
25	A. Yes.	10:02

1	Q. What is it?	10:02
2	A. It's a team that is responsible for our	10:02
3	relationships with governments and regulators.	10:02
4	Q. Okay. And just again by way of	10:02
5	understanding how Facebook functions, you see	10:02
6	there's a Dropbox hyperlink here in the email?	10:02
7	A. Yes.	10:02
8	Q. Does Facebook also use Dropbox?	10:02
9	MS. STEIN: Objection to form. This	10:02
10	isn't -- not an ESI depo and he is not testifying	10:02
11	about what Facebook uses internally. Let's focus on	10:02
12	the subjects that he's here for.	10:02
13	MS. WEAVER: I'm trying to understand if	10:02
14	this document is complete, and that's a little bit	10:02
15	difficult to do. So are you going to instruct him	10:03
16	not to answer?	10:03
17	MS. STEIN: Is there a reason why you	10:03
18	think the document is not complete?	10:03
19	MS. WEAVER: Okay. Let me question.	10:03
20	Q. So is it true that Facebook -- people use	10:03
21	Dropbox at Facebook to share document files?	10:03
22	A. Can I answer?	10:03
23	Q. Yes.	10:03
24	A. Sorry, I was looking at the document.	10:03
25	Q. No problem.	10:03

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1	A. It's -- it's true that for files that are	10:03
2	concise that are too big to send by email we would	10:03
3	use Dropbox.	10:03
4	Q. Okay. Is there any way to know whether or	10:03
5	not a hard copy version of a document like this was	10:03
6	everything that was contained in the hyperlink or	10:03
7	would you have to see it in native form?	10:03
8	MS. STEIN: Objection to form.	10:03
9	Lesley, next.	10:03
10	BY MS. WEAVER:	10:03
11	Q. Please answer the question.	10:03
12	A. I'm not sure I understand exactly what you	10:03
13	saying. I don't even know what you have printed	10:03
14	out, so I cannot really establish whether it's a	10:03
15	complete document or not.	10:03
16	Q. Okay. Is there -- normally -- let me ask	10:03
17	this. Does Facebook maintain document like --	10:04
18	documents like this in PDF form or are they native?	10:04
19	MS. STEIN: Objection to form.	10:04
20	Lesley, move on.	10:04
21	BY MS. WEAVER:	10:04
22	Q. Please answer the question.	10:04
23	MS. STEIN: It's not an ESI deposition.	10:04
24	Move on.	10:04
25	MS. WEAVER: I'm trying to understand this	10:04

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1	document, which we gave to you ahead of time, and	10:04
2	whether or not it's complete. So please allow him	10:04
3	to answer.	10:04
4	MS. STEIN: Ask him if he knows whether	10:04
5	it's complete. Don't ask him about things that have	10:04
6	nothing to do with what he's here to testify about	10:04
7	here today. He's not authorized on behalf of	10:04
8	Facebook to talk about Dropbox, email, messaging	10:04
9	that gets used internally.	10:04
10	BY MS. WEAVER:	10:04
11	Q. So, K.P., can I ask you, is there any kind	10:04
12	of -- for Dropbox is there any -- well, just -- I'll	10:04
13	move on. I'll come back to it.	10:04
14	So looking back at Exhibit 3, and turning	10:04
15	to the first page ending at Bates number 424 --	10:04
16	A. 424, yes.	10:05
17	Q. -- it says "Ads and Measurement" on top.	10:05
18	Do you see that?	10:05
19	A. Yes.	10:05
20	Q. And you said earlier that you know who Rob	10:05
21	Sherman is; is that right?	10:05
22	A. Yes, I do.	10:05
23	Q. And who is he?	10:05
24	A. He's the VP of privacy.	10:05
25	Q. And he's still at Facebook; is that right?	10:05

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1	A. Yes, he is.	10:05
2	Q. Okay. And do you have an understanding as	10:05
3	to what this page represents?	10:05
4	A. I think that's a list of things that	10:05
5	supposing Facebook receives about people.	10:05
6	Q. Okay. And, in fact, it says at the top of	10:05
7	the document "What kinds of information does	10:05
8	Facebook receive about people?" Is that correct?	10:05
9	A. Uh-huh, that's what it says, yes.	10:05
10	Q. Fair enough.	10:05
11	So did you talk to Mr. Sherman to prepare	10:05
12	for your deposition today?	10:05
13	A. No, I haven't spoken to him.	10:05
14	Q. Did you speak to anybody other than your	10:06
15	counsel to prepare for your deposition today?	10:06
16	A. No, I haven't.	10:06
17	Q. And how long did you take to prepare for	10:06
18	your deposition?	10:06
19	A. I think I already answered that question.	10:06
20	I been preparing for this deposition for as long as	10:06
21	I have been at Facebook.	10:06
22	Q. Fair enough.	10:06
23	A. It's a collective -- collective knowledge	10:06
24	of my last 8 and a half years of being employed at	10:06
25	this company.	10:06

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1	Q. Okay. And specifically to prepare for	10:06
2	this deposition in response to this notice, how much	10:06
3	time did you spend preparing?	10:06
4	A. I don't know. Between, you know, calls	10:06
5	with my counsels and homework that I have done for	10:06
6	myself, I would say 15-20 hours.	10:06
7	Q. Okay. Thank you.	10:06
8	And looking back now at the page that we	10:06
9	were looking at ending in Bates number 424, do you	10:06
10	see that it describes three categories of data on	10:06
11	the left?	10:06
12	A. Yes.	10:06
13	Q. And it says "Native Data, Appended Data	10:07
14	and Behavioral Data." Do you see that?	10:07
15	A. Yes.	10:07
16	Q. Do you have an understanding as to what	10:07
17	native data is?	10:07
18	A. I can see that the definition of that is	10:07
19	data collected through our website apps and branded	10:07
20	products.	10:07
21	Q. Okay. And is that consistent with your	10:07
22	understanding?	10:07
23	A. Yes, it makes sense.	10:07
24	Q. Okay. And then what is appended data?	10:07
25	MS. STEIN: Object to form.	10:07

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1	THE WITNESS: Data that is -- what?	10:07
2	MS. STEIN: Objection to form.	10:07
3	BY MS. WEAVER:	10:07
4	Q. I'll repeat the question. What is	10:07
5	appended data?	10:07
6	MS. STEIN: Same objection.	10:07
7	THE WITNESS: It's -- sorry. I have to	10:07
8	look at the document while you're talking. I don't	10:07
9	mean to talk over you.	10:07
10	It's okay I answer the question now?	10:07
11	BY MS. WEAVER:	10:07
12	Q. Yes.	10:07
13	A. Okay. It's data provided by third	10:07
14	parties.	10:07
15	Q. I'm sorry, data provided by -- I just	10:07
16	didn't hear you.	10:07
17	A. Third parties.	10:08
18	Q. Okay. So for the record, appended data is	10:08
19	data provided by third parties; is that correct?	10:08
20	A. Yes, as it is defined here, yes.	10:08
21	Q. Okay. And what is behavioral data?	10:08
22	MS. STEIN: Objection to form.	10:08
23	THE WITNESS: Sorry, I need to switch back	10:08
24	to see -- you don't want to talk. Okay.	10:08
25	So it's data collected for activity on	10:08

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1	third parties using the Facebook product.	10:08
2	BY MS. WEAVER:	10:08
3	Q. Okay. And as you sit here today, are	10:08
4	there any other kinds of information Facebook	10:08
5	receives about people other than these three	10:08
6	categories?	10:08
7	A. I don't think so.	10:08
8	Q. Okay. Let's return to our discussion of	10:08
9	native data. Do you have an understanding as to why	10:08
10	the word "native" is being used? What does that	10:08
11	mean? Is it the same as raw data?	10:09
12	MS. STEIN: Objection to form.	10:09
13	THE WITNESS: Every piece of data has a	10:09
14	degree of rawness associated with it. Depends how	10:09
15	you define raw.	10:09
16	BY MS. WEAVER:	10:09
17	Q. Okay. I just didn't quite hear. Every	10:09
18	piece of data has a particular --	10:09
19	A. (Indecipherable). I'm joking.	10:09
20	They -- if you are talking about raw data,	10:09
21	what do you mean?	10:09
22	Q. Okay. Well, I'm trying to learn from you,	10:09
23	so let me ask you.	10:09
24	A. The IP address -- the IP address is raw	10:09
25	data.	10:09

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1	Q. Uh-huh, okay. Good.	10:09
2	A. But it comes through activity that happens	10:09
3	on a native Facebook app. The "native" means, in my	10:09
4	mind, the way I see the definition there, as	10:09
5	activity that's happening on Facebook platform.	10:09
6	Q. Okay. So for the record, native data is	10:09
7	data relating to activity on the Facebook platform;	10:09
8	is that right?	10:09
9	A. Correct.	10:09
10	Q. Okay. And so when we -- when this	10:09
11	document says "Facebook websites, apps and branded	10:09
12	products," do you have an understanding as to what	10:10
13	that refers to?	10:10
14	A. The branded products specifically?	10:10
15	Q. Yes.	10:10
16	A. I think there is an example there like	10:10
17	Facebook Wi-Fi, which probably nothing that we have	10:10
18	here in the U.S. but is broadly used in India. But	10:10
19	I think you mentioned like Portal earlier, which is	10:10
20	not installed for, I guess, the 2012-2017 period,	10:10
21	but it's something that's being used right now.	10:10
22	Q. Okay. Can you think of any other branded	10:10
23	apps in the United States that were used during 2012	10:10
24	to 2017?	10:10
25	A. Facebook branded apps? Messenger,	10:10

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1	Instagram.	10:10
2	Q. Great. Thank you.	10:10
3	And then on the right it seems -- this	10:10
4	chart seems to further break down categories of	10:10
5	native data. Do you see that?	10:10
6	A. Yes.	10:10
7	Q. Okay. And there's a column or really a	10:10
8	box that says "Explicitly collect." Do you see	10:10
9	that?	10:11
10	A. Yes.	10:11
11	Q. And then it lists profile info, email	10:11
12	address, phone number, et cetera. And then below	10:11
13	that it says "Implicitly collect." And it lists a	10:11
14	number of data. And then under that it says "Infer	10:11
15	from engagement on the site." Do you see all of	10:11
16	those boxes?	10:11
17	A. Yes.	10:11
18	Q. Okay. Do you have an understanding as to	10:11
19	what "Explicitly collect" means?	10:11
20	A. Explicitly collect -- I'm sorry, I'm	10:11
21	looking back. Explicitly collect is something the	10:11
22	user has submitted on their own.	10:11
23	Q. Okay. And so that means that a user has	10:11
24	taken an action to share the data; is that fair?	10:11
25	A. Correct.	10:11

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1	Q. Okay. And so what does "Implicitly	10:11
2	collect" mean?	10:11
3	MS. STEIN: Object to form.	10:11
4	THE WITNESS: So that would mean	10:11
5	activities related to data.	10:11
6	BY MS. WEAVER:	10:11
7	Q. I'm sorry, did you --	10:11
8	A. So -- so -- just to draw the distinction,	10:12
9	right, this is data that we collect during someone's	10:12
10	use of the Facebook app. So the IP address or the	10:12
11	device information is not something that the user	10:12
12	would have to type in and say, hey, this is my IP	10:12
13	address. It's something that we would collect when	10:12
14	a user uses Facebook because we would know which IP	10:12
15	address they are accessing Facebook from.	10:12
16	Q. Is it fair to say that the kinds of data	10:12
17	that Facebook implicitly -- implicitly collects is	10:12
18	data that Facebook observes?	10:12
19	A. Observes? It's confusing me. So what do	10:12
20	you mean by that?	10:12
21	Q. Okay. No, I'm just trying to understand	10:12
22	and put it in English for a layperson by -- so you	10:12
23	understand what I'm trying to do here. So let me	10:12
24	try to ask a better question.	10:12
25	Is it fair to say that the data that is	10:12

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1	implicitly collected by Facebook is not expressly	10:12
2	shared by users?	10:12
3	MS. STEIN: Objection to form.	10:12
4	THE WITNESS: So they may not be explicit	10:13
5	shared because they submit the data to us, but they	10:13
6	have agreed to share that data because they have	10:13
7	agreed to the privacy policies --	10:13
8	BY MS. WEAVER:	10:13
9	Q. Okay.	10:13
10	A. -- that make it clear that we will have	10:13
11	access to this kind of data.	10:13
12	Q. Okay. And do you see where it says	10:13
13	"Device identifiers" here?	10:13
14	A. Yes.	10:13
15	Q. And it lists a number of identifiers. Do	10:13
16	you see that?	10:13
17	A. Yes.	10:13
18	Q. Okay. And what is UDID?	10:13
19	A. I think it's another way of calling the	10:13
20	Android ID.	10:13
21	Q. And then what is IDFA?	10:13
22	A. It's an Apple identifier.	10:13
23	Q. And Google Ad ID, do you see that?	10:13
24	A. Yes.	10:13
25	Q. And what is that?	10:13

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1	A. I think that's an ID used specifically	10:13
2	around Google ads.	10:13
3	Q. Okay. So does Facebook implicitly collect	10:13
4	device identifiers?	10:13
5	A. We have access to those identifiers.	10:14
6	Q. Okay. And it also collects location	10:14
7	device, GPS, Wi-Fi, IP address, phone number,	10:14
8	carrier and device type; is that right?	10:14
9	A. Yes.	10:14
10	MS. STEIN: Object. Objection to form.	10:14
11	BY MS. WEAVER:	10:14
12	Q. Okay. And then there's this box that says	10:14
13	"Infer from engagement on the site." Do you see	10:14
14	that?	10:14
15	A. Yes, I do.	10:14
16	Q. What does that refer to?	10:14
17	A. Information we may have that may be	10:14
18	derived by your activity on the platform.	10:14
19	Q. And how is it derived?	10:14
20	A. By web pages you like, what public figures	10:14
21	you may follow, these kind of things.	10:14
22	Q. So is there a level of analysis in that	10:14
23	inference? Like how does that actually happen with	10:14
24	the data?	10:14
25	A. If, for example, you like Beyonce's page,	10:14

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1	we will assume that you have a strong affinity with	10:15
2	her music, and so that may suggest that you're --	10:15
3	that you both -- you know, you like music for a	10:15
4	certain kind, for a certain genre, and you like	10:15
5	Beyonce. That's how we would infer that.	10:15
6	Q. How did you know?	10:15
7	So how does Facebook retain that	10:15
8	information once it draws that inference?	10:15
9	A. You know, there would be --	10:15
10	MS. STEIN: Objection.	10:15
11	THE WITNESS: There would be a list of	10:15
12	potential interest that would be derived by your	10:15
13	affinity to certain entities on the platform,	10:15
14	certain businesses on the platform.	10:15
15	BY MS. WEAVER:	10:15
16	Q. And how does Facebook record those	10:15
17	interests, if you will?	10:15
18	MS. STEIN: Objection to form.	10:15
19	THE WITNESS: I mean -- I mean you have to	10:15
20	take action. We wouldn't, you know, like have the	10:15
21	so-called record of that. We would see if you ever	10:16
22	liked Beyonce's page and if you followed Beyonce.	10:16
23	That would be a signal.	10:16
24	BY MS. WEAVER:	10:16
25	Q. Okay. And so how does that signal come	10:16

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1	through in terms of data to Facebook and where does	10:16
2	it keep it?	10:16
3	A. Well, that happens within Facebook itself,	10:16
4	right? I'm not talking about you liking Beyonce's	10:16
5	website.	10:16
6	Q. Right.	10:16
7	A. I'm talking about you liking Beyonce's	10:16
8	page on Facebook.	10:16
9	Q. Okay. I'm just trying to understand --	10:16
10	well, let me go back. For the explicitly collect	10:16
11	data, right, where does Facebook maintain that data?	10:16
12	MS. STEIN: Objection. Form.	10:16
13	THE WITNESS: What do you mean?	10:16
14	BY MS. WEAVER:	10:16
15	Q. Well, I'm trying to understand. Facebook	10:16
16	receives explicitly collected data; is that right?	10:16
17	A. Yes.	10:16
18	Q. And where does it receive it and where	10:16
19	does it go? Where does the data go?	10:16
20	A. It's a -- it's a very complicated	10:16
21	question, so let me try to answer it may be with,	10:16
22	you know, like a high-level perspective.	10:17
23	So when you come to Facebook for the first	10:17
24	time in your life you will create an account, right?	10:17
25	To create an account you need to provide the	10:17

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1	username and a password. And then it will ask you a	10:17
2	couple of questions. What is your first name? What	10:17
3	is your last name? What is your date of birth, and	10:17
4	so on and so on.	10:17
5	All that information lives in some, you	10:17
6	know, database somewhere, right? The next time you	10:17
7	come to Facebook you decide to post a photo of	10:17
8	yourself, you know, celebrating your birthday. That	10:17
9	information lives somewhere in a distributed	10:17
10	database, right?	10:17
11	Then some people will start liking your	10:17
12	page, saying -- will most likely be your friends.	10:17
13	That information is captured somewhere about who has	10:17
14	liked your photo.	10:17
15	Then the next day you come in and you --	10:17
16	you like Beyonce's page because you just saw her two	10:17
17	months and you want to keep up with her work. That	10:18
18	information is captured somewhere.	10:18
19	But all that information is available	10:18
20	to -- to you, right? You can go into your Facebook	10:18
21	settings and you can find all that information.	10:18
22	Q. Okay. When you say it is captured	10:18
23	somewhere, where is the somewhere?	10:18
24	A. It depends on, you know, what is that you	10:18
25	are looking for, right? It's not a single place.	10:18

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1	Q. Use your example. I go on Facebook's	10:18
2	website and I take an action. Where is that	10:18
3	captured? You said it's captured somewhere. Where	10:18
4	is the somewhere?	10:18
5	A. Well, if it's about an activity, it maybe	10:18
6	something like Hive.	10:18
7	Q. Okay.	10:18
8	A. That's a database.	10:18
9	Q. And what if it's a like?	10:18
10	A. Again, it's an activity.	10:18
11	Q. Okay. What if it's something that	10:18
12	Facebook infers? Where is it captured?	10:18
13	A. The inference?	10:18
14	Q. Yes.	10:19
15	A. Probably nowhere.	10:19
16	Q. Okay. How is the inference drawn or	10:19
17	created? Is there a program that runs on it? Is	10:19
18	there a query?	10:19
19	A. It's machine learning.	10:19
20	Q. It's machine learning?	10:19
21	A. Yes.	10:19
22	Q. Okay. And what are the programs that	10:19
23	engage in that kind of machine learning?	10:19
24	A. Again, I guess I'm going to level a little	10:19
25	bit the conversation.	10:19

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1	If you ever liked Beyonce's page, that	10:19
2	would recapture it on your, you know, like personal	10:19
3	profile. And if any advertiser, let's say,	10:19
4	Beyonce's label wants to advertise against an	10:19
5	audience of people that like Beyonce, they would	10:19
6	basically identify that in their ad campaign	10:19
7	settings and then we would find whoever may like	10:19
8	Beyonce's page and we will deliver on that about	10:19
9	Beyonce to them. Very, very high level.	10:19
10	Q. I understand the functioning that you're	10:19
11	describing. I don't understand where the data goes	10:19
12	and how Facebook draws the inference.	10:19
13	A. I'm really sorry, but I'm having a hard	10:20
14	time hearing. Is it me or is it your mic?	10:20
15	MS. WEAVER: I'm not having a hard time	10:20
16	hearing.	10:20
17	MS. STEIN: It's the mic.	10:20
18	MS. WEAVER: Oh, okay. Can you hear me	10:20
19	now or is it --	10:20
20	Q. Okay. So I'll repeat the question.	10:20
21	Where -- well -- how does Facebook infer data from	10:20
22	engagement on the site?	10:20
23	A. It's mainly driven by your connections or	10:20
24	affiliations with specific entities on the website.	10:20
25	Q. And --	10:20

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1	A. And by "entities" I mean in most cases --	10:20
2	THE REPORTER: I'm sorry, "I mean in most	10:20
3	cases"...	10:20
4	BY MS. WEAVER:	10:20
5	Q. And --	10:20
6	THE REPORTER: I'm sorry, "I mean in most	10:20
7	cases"...	10:20
8	THE WITNESS: Pages, Facebook pages.	10:20
9	THE REPORTER: Thank you.	10:20
10	BY MS. WEAVER:	10:20
11	Q. Let me move on. I'm going to return to	10:20
12	that because I think we need to drill down a little	10:20
13	bit. But I'll just go to "Appended Data." Do you	10:21
14	see that category?	10:21
15	A. Yes.	10:21
16	Q. And so appended data is data that Facebook	10:21
17	receives from third parties; is that right?	10:21
18	A. Yes.	10:21
19	Q. Okay. And you see it refers to data	10:21
20	brokers there?	10:21
21	A. Yes.	10:21
22	Q. What is a data broker?	10:21
23	A. It's -- sorry.	10:21
24	MS. STEIN: Are you asking him to read	10:21
25	from the document or are you asking him his	10:21

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1	understanding?	10:21
2	MS. WEAVER: I'm asking Facebook what a	10:21
3	data broker is.	10:21
4	THE WITNESS: According to this document	10:21
5	it's a -- a list of third parties, including, you	10:21
6	know, like public records, DMVs or auto	10:21
7	registration, you know, authorities, supermarkets,	10:21
8	retailers and so on that provide access to certain	10:21
9	information.	10:21
10	BY MS. WEAVER:	10:21
11	Q. Do you know what a data broker is?	10:21
12	A. My definition of data broker?	10:21
13	Q. Yes.	10:22
14	A. Anybody that has access to a broad set of	10:22
15	data.	10:22
16	Q. Okay. Is Facebook a data broker?	10:22
17	A. No.	10:22
18	Q. Okay. Did you talk to anybody -- well,	10:22
19	strike that.	10:22
20	Do you see where it says "Partner	10:22
21	categories" on this document?	10:22
22	A. Yes.	10:22
23	Q. What does that refer to?	10:22
24	A. I guess a list of different categories I	10:22
25	listed myself. It's also documented here.	10:22

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1	Q. And so do you see to the right there it	10:22
2	says "Public records, auto registration data,	10:22
3	supermarket loyalty cards, retail purchases, credit	10:22
4	card purchases," et cetera, on the right?	10:22
5	A. Yes.	10:22
6	Q. And is it your understanding that those	10:22
7	are examples of the kind -- kinds of data that	10:22
8	Facebook collects from data brokers?	10:22
9	A. Yes. I don't know if it's exhaustive or	10:23
10	not, but I would imagine that it is exhaustive.	10:23
11	Q. Thank you. And then underneath that do	10:23
12	you see where it says "Advertisers"?	10:23
13	A. Yes.	10:23
14	Q. What is an advertiser?	10:23
15	A. Someone that is running marketing	10:23
16	companies on Facebook.	10:23
17	Q. Okay. And then there's a parenthetical	10:23
18	that refers to "Custom audiences, offline conversion	10:23
19	measurement." Do you see that?	10:23
20	A. Yes.	10:23
21	Q. What is custom audiences?	10:23
22	A. A custom audience is a reference to a	10:23
23	products whereby a business can upload and encrypt	10:23
24	its -- a version of their database of customers for	10:23
25	the purpose of running a campaign that targets those	10:23

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1	customers.	10:23
2	Q. Okay. I want to break that down a little	10:23
3	bit.	10:23
4	MS. WEAVER: I'm not seeing that on my	10:23
5	live feed.	10:23
6	Could you read his response back, please.	10:24
7	(The record was read by the	10:24
8	court reporter, as requested)	10:24
9	BY MS. WEAVER:	10:24
10	Q. Okay. And when you say "encrypt," what do	10:24
11	you mean?	10:24
12	A. They wouldn't upload the raw data. They	10:24
13	would upload a version of that data.	10:24
14	THE REPORTER: I'm sorry, could you repeat	10:24
15	that last part, please?	10:24
16	THE WITNESS: They wouldn't upload raw	10:24
17	customer data. They would upload encrypted personal	10:24
18	or hashed personal data.	10:24
19	BY MS. WEAVER:	10:24
20	Q. Thank you. And when you say "raw customer	10:24
21	data," what do you mean?	10:24
22	A. Email addresses.	10:24
23	Q. Anything else?	10:24
24	A. No.	10:24
25	Q. And what does "offline conversion	10:24

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1	measurement" mean?	10:24
2	A. So imagine that you see an ad campaign	10:24
3	from Walmart, but you don't necessarily click on	10:25
4	that to buy the specific thing that they advertise.	10:25
5	But eventually you visit the Walmart and you end up	10:25
6	purchasing something, not necessarily the same item	10:25
7	from Walmart.	10:25
8	If Walmart wanted to track the offline	10:25
9	conversion, the fact that you purchased something	10:25
10	from them in their retail location, they could	10:25
11	actually made available some encrypted data again	10:25
12	back to us, and we would confirm to them that a	10:25
13	certain percentage of people that have interacted	10:25
14	with Walmart offline have actually seen the ads that	10:25
15	Walmart has run.	10:25
16	Q. So what does "conversion" mean in that	10:25
17	sentence? Purchase?	10:25
18	A. It's defined by the advertiser. Because	10:25
19	the -- the advertiser may optimize for store visits	10:25
20	versus others that may optimize for purchases,	10:26
21	right? So --	10:26
22	Q. So conversion is taking some action as	10:26
23	defined by the advertiser; is that correct?	10:26
24	A. Correct.	10:26
25	Q. And that could also include engaging in --	10:26

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1	well, strike that.	10:26
2	Could conversion also include a like or	10:26
3	agreeing to become a member of a group?	10:26
4	A. "No" in that context because we are	10:26
5	talking about offline conversion.	10:26
6	Q. Got it. Does advertisers here also	10:26
7	include political campaigns?	10:26
8	A. I'm looking at the -- sorry. Sorry. I	10:26
9	need to answer that, I guess. What do you mean? In	10:26
10	what context?	10:26
11	Q. Do political campaigns advertise?	10:26
12	A. Yes, they do.	10:26
13	Q. Okay. And when they are seeking	10:26
14	conversion, are they seeking to encourage certain	10:26
15	actions by Facebook users?	10:26
16	MS. STEIN: Objection to form.	10:27
17	THE WITNESS: Yeah, but that wouldn't	10:27
18	include, you know, like what people voted. It would	10:27
19	probably include if they read, or if they donated,	10:27
20	or if they took an action on their website,	10:27
21	depending on what the campaign is actually optimized	10:27
22	for.	10:27
23	BY MS. WEAVER:	10:27
24	Q. Got it.	10:27
25	A. But, no, the conversion wouldn't be that I	10:27

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1	voted for Biden or I voted for Trump. That's not --	10:27
2	THE REPORTER: I'm sorry, could you please	10:27
3	slow down. The last part?	10:27
4	THE WITNESS: Oh, sorry.	10:27
5	THE REPORTER: "The conversion"...	10:27
6	THE WITNESS: The conversion that	10:27
7	political campaigns are tracking have to do with	10:27
8	fundraising, donations, registration, this kind of	10:27
9	things.	10:27
10	BY MS. WEAVER:	10:27
11	Q. Okay. And so Facebook provides conversion	10:27
12	measurement information back to the advertisers	10:27
13	which could include political campaigns; is that	10:27
14	right?	10:27
15	MS. STEIN: Objection to form.	10:27
16	THE WITNESS: Yes.	10:27
17	BY MS. WEAVER:	10:27
18	Q. And then do you see on the right of	10:27
19	Advertisers it says "Existing customer	10:27
20	relationships"? Do you see that? It's to the right	10:27
21	of Advertisers.	10:28
22	A. Yes.	10:28
23	Q. What does "Existing customer	10:28
24	relationships," that subcategories of advertisers,	10:28
25	refer to?	10:28

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1	A. And so going back to our example earlier,	10:28
2	if -- if you are Walmart again, and you know that --	10:28
3	let's say there are thousands of people that	10:28
4	attempted to purchase a TV from Walmart's website	10:28
5	and you have an understanding of the email addresses	10:28
6	of those people. Then you can encrypt those email	10:28
7	addresses, make them available to Facebook to create	10:28
8	what we call a custom audience.	10:28
9	And then Facebook will, you know, like --	10:28
10	can target those specific users to the extent that	10:28
11	they are also Facebook users, of course, with an ad	10:28
12	that offers them, let's say, a discount for that	10:28
13	specific TV.	10:28
14	Q. What do you mean by "encrypt"?	10:28
15	A. Again we -- we want to have access to	10:29
16	their raw email addresses. We will have access to	10:29
17	hashed personal email addresses and then we will	10:29
18	match them with the hashed personal email address we	10:29
19	have on record and find those users that have both a	10:29
20	Walmart account and a Facebook account.	10:29
21	Q. So what is the difference between	10:29
22	encryption and hashing?	10:29
23	A. It's same thing in that sense.	10:29
24	Q. It is the same thing?	10:29
25	A. Yeah.	10:29

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1	Q. Is it true that hashing has two inputs --	10:29
2	well, let me go back. Is it fair to say that	10:29
3	encryption has two inputs so that if you have a key,	10:29
4	you can associate data point together; is that fair?	10:29
5	MS. STEIN: Object to form. He's not here	10:29
6	as a technical expert, so...	10:29
7	You can give your high-level	10:29
8	understanding, if you have one.	10:29
9	THE WITNESS: Yes, I don't -- I don't	10:29
10	want -- I don't want to talk about, you know, like	10:29
11	encryption. But it's important here, I think, to	10:29
12	take away is that we don't have access to those	10:29
13	email addresses and they don't have access to the	10:30
14	people who we ended up identifying as users who have	10:30
15	both a Facebook account and a Walmart account.	10:30
16	BY MS. WEAVER:	10:30
17	Q. Okay. Well, just looking at this page,	10:30
18	you see that there's the word "Hashed data matching"	10:30
19	on it? It's below -- it's in the native data box	10:30
20	there.	10:30
21	A. Yes.	10:30
22	Q. Do you see where it says "Hashed data	10:30
23	matching"?	10:30
24	A. Yes.	10:30
25	Q. What is hashed data matching?	10:30

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1	A. This is the data that we were talking	10:30
2	about used for custom audience.	10:30
3	Q. So could you, please, explain what hashed	10:30
4	data matching is?	10:30
5	A. If an advertiser has information about a	10:30
6	user, a customer of theirs, like their email	10:30
7	address -- I didn't realize that we can actually be	10:30
8	based on phone number or home address, but if it	10:30
9	seems to be the case, then that's basic data that we	10:30
10	can use to match those users on the Facebook site.	10:30
11	Q. And do you see that there's an arrow here	10:30
12	that goes from "Email address, phone number and	10:30
13	address," it's a dotted line but goes to "Hashed	10:31
14	data matching," and then it goes down to "Appended	10:31
15	Data"? Do you see that?	10:31
16	A. Yes, I do. I do see that.	10:31
17	Q. Okay. And so what's your understanding of	10:31
18	what those arrows mean?	10:31
19	A. No idea.	10:31
20	Q. Okay. Is it indicating that there is	10:31
21	hashed data matching of email address, phone number	10:31
22	and address with appended data?	10:31
23	A. I'm not sure if it's entirely true for all	10:31
24	categories. I know that based on our conversation	10:31
25	earlier, that this is definitely how a customer	10:31

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1	audiences work.	10:31
2	Q. And then going now back to the appended	10:31
3	data chart. Do you see where it says "Purchase	10:31
4	history," near "Advertisers"?	10:31
5	A. Yes.	10:31
6	Q. What does that refer to?	10:31
7	A. Activity that leads to purchase on a	10:31
8	third-party website.	10:32
9	Q. Okay. And so that is data -- go ahead.	10:32
10	A. It's similar to the example we discussed	10:32
11	before, right? The targeting on the Walmart side	10:32
12	may have happened on the fact that you added	10:32
13	something from your cart and you never, you know,	10:32
14	like, completed the purchase.	10:32
15	But there may be other scenarios where the	10:32
16	advertiser is looking at your purchase history,	10:32
17	whether it is offline or online -- I think that	10:32
18	probably refers to offline -- to match you with a	10:32
19	specific ad campaign that they run.	10:32
20	Q. Okay. So Facebook is getting data about,	10:32
21	for example, that I had something in my cart that I	10:32
22	didn't purchase; is that right?	10:32
23	MS. STEIN: Object to form.	10:32
24	THE WITNESS: No, not that, no.	10:32
25		

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1	BY MS. WEAVER:	10:32
2	Q. Okay. Who has it? You just gave that as	10:32
3	an example.	10:32
4	A. Yeah, but that is a logic that takes place	10:32
5	on the advertiser's side.	10:32
6	Q. Okay.	10:32
7	A. The advertiser selects the marketing team	10:32
8	on the advertiser side to decide what kind of	10:32
9	campaign they want to run. And they create a	10:33
10	segment of their customers that they want to target	10:33
11	with their ad campaign, and then they will decide	10:33
12	what creative they want to use, like how the ad is	10:33
13	going to look like.	10:33
14	Q. Right. But this is a list of information	10:33
15	that Facebook receives, right?	10:33
16	MS. STEIN: Objection to form.	10:33
17	THE WITNESS: The information we receive	10:33
18	is not the activities. It's hashed email addresses	10:33
19	or hashed phone numbers from the advertisers.	10:33
20	BY MS. WEAVER:	10:33
21	Q. Okay. Looking at this chart here, it's	10:33
22	labeled, "What kinds of information does Facebook	10:33
23	receive?" correct?	10:33
24	MS. STEIN: Objection to form.	10:33
25	(Background audio interference.)	10:33

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1	MS. WEAVER: Somebody needs to put their	10:33
2	phones on mute or their computers on mute.	10:34
3	Q. Returning to the document, sir, isn't this	10:34
4	page a list of information that Facebook receives	10:34
5	about people?	10:34
6	MS. STEIN: Objection to form.	10:34
7	THE WITNESS: We received information that	10:34
8	an associate hashed email address with a Walmart	10:34
9	customer.	10:34
10	MS. WEAVER: Okay. Tat's -- I'll just	10:34
11	move to strike as nonresponsive. We will move on.	10:34
12	Q. Going back to this category that says	10:34
13	"Both." Do you see that, near Appended Data?	10:34
14	A. Yes.	10:34
15	Q. What does "both" mean?	10:34
16	MS. STEIN: Objection to form.	10:34
17	THE WITNESS: A combination of advertisers	10:34
18	and data brokers, I assume.	10:34
19	THE REPORTER: I'm sorry, could you repeat	10:34
20	that, please. Information?	10:34
21	THE WITNESS: A combination of advertisers	10:34
22	and data brokers.	10:34
23	BY MS. WEAVER:	10:34
24	Q. Okay. And so does this document reflect	10:34
25	that Facebook receives from both customized	10:34

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1	third-party data and enhanced customer databases?	10:34
2	MS. STEIN: Objection to form. The	10:35
3	document speaks for itself.	10:35
4	MS. WEAVER: I'm here to depose him about	10:35
5	the document, Deb. It was identified ahead of time.	10:35
6	Please answer the question.	10:35
7	MS. STEIN: Yeah, Lesley, this document is	10:35
8	all about targeted advertising, and you've been	10:35
9	going on for about an hour about targeted	10:35
10	advertising which isn't even in this case. It's	10:35
11	outside the scope of this case.	10:35
12	MS. WEAVER: You can instruct him not to	10:35
13	answer if you want, but I'm actually --	10:35
14	MS. STEIN: Lesley, I've let this witness	10:35
15	testify for an hour about targeted advertising. So	10:35
16	if you want to ask him about the scope of this	10:35
17	deposition, you're free to, but suggesting that just	10:35
18	because you sent us a document about targeted	10:35
19	advertising --	10:35
20	MS. WEAVER: Deb, stop lecturing and	10:35
21	wasting my minutes with the witness, please.	10:35
22	MS. STEIN: Lesley, I am stating my	10:35
23	position for the record. This is a 30(b)(6)	10:35
24	deposition on a specific set of topics. You've gone	10:35
25	beyond the scope. I've been very liberal in that.	10:35

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1	I will let the witness continue answering	10:35
2	some more questions, but if it continues focusing on	10:35
3	targeted advertising, then we're going to have to	10:36
4	move on.	10:36
5	BY MS. WEAVER:	10:36
6	Q. So the question -- I'm sorry, K.P. -- the	10:36
7	question is this: Does Facebook receive information	10:36
8	from advertisers and data brokers that includes	10:36
9	customized third-party data and enhanced customer	10:36
10	databases?	10:36
11	MS. STEIN: Objection to form.	10:36
12	THE WITNESS: I don't know the definition	10:36
13	of an "enhanced customer database."	10:36
14	BY MS. WEAVER:	10:36
15	Q. Okay.	10:36
16	A. But customers' third-party data that are	10:36
17	usually reflect to Facebook, yes, that's no	10:36
18	different from my understanding of how customer	10:36
19	audiences work.	10:36
20	Q. Thank you.	10:36
21	And does Facebook also receive behavioral	10:36
22	data?	10:36
23	A. In what context?	10:36
24	Q. Well, I'm just reading from the chart. Do	10:36
25	you see where it says "Behavioral Data"?	10:36

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1	A. Okay. In the context of this document --	10:36
2	Q. Yes.	10:36
3	A. -- not in the context of appended data?	10:36
4	Yes, we do collect.	10:36
5	Q. Yes. I'm so sorry. So I'll ask the	10:36
6	question again. Does Facebook also receive	10:36
7	behavioral data about people?	10:36
8	A. Yes.	10:36
9	Q. Okay. And do you see where it says "Web	10:36
10	pixels" here?	10:36
11	A. Yes.	10:37
12	Q. What does that refer to?	10:37
13	A. It refers to the different implementation	10:37
14	of the Facebook pixel that is used in conjunction --	10:37
15	in conjunction with ad campaigns most of the time.	10:37
16	Q. Okay. And what is a conversion pixel?	10:37
17	A. It's a pixel that is strategically	10:37
18	placed -- "strategically" meaning it's down to the	10:37
19	advertiser -- on the page, on their website that	10:37
20	tracks the effectiveness of their ad campaign	10:37
21	depending on their -- their objective of the	10:37
22	company.	10:37
23	Q. Okay. And then "Web SDK," do you see	10:37
24	that?	10:37
25	A. Yes.	10:37

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1	Q. What does that refer to?	10:37
2	A. So this is the version of the SDK that is	10:37
3	used by websites.	10:37
4	Q. Okay. And did that change over time?	10:37
5	A. Yes, we update the SDKs quite regularly.	10:38
6	Q. Okay. And "Mobile SDK," what is that?	10:38
7	A. This is the SDK that is used by native	10:38
8	apps, meaning iOS and Android.	10:38
9	Q. Okay. I just want to go back to	10:38
10	behavioral data for a minute. What is behavioral	10:38
11	data as opposed to appended data?	10:38
12	A. I think we discussed about that before.	10:38
13	So I'll try to repeat my previous response.	10:38
14	So behavioral data is activities happening	10:38
15	on third-party sites that are being captured through	10:38
16	a Facebook product, a pixel or an SDK.	10:38
17	Q. Okay. I see that I guess the videographer	10:38
18	would like to take a quick break. So do you want to	10:38
19	just -- is that comfortable for you, K.P., to take a	10:38
20	break for a little bit here?	10:38
21	A. Yes, I need a coffee.	10:38
22	MS. WEAVER: Okay. So why don't we come	10:38
23	back at, do you want to say, 10:50?	10:38
24	THE WITNESS: 10 minutes from now?	10:38
25	MS. WEAVER: Yeah, does that work? Well,	10:39

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1	1	11 minutes? Okay. Great.	10:39
	2	THE VIDEOGRAPHER: We are off the record	10:39
2		10:39 3 at a.m.	
	10:39		
3	4	(Recess.)	10:39
		10:39 5 (Off record: a.m.)	
4	10:39		
5	6	(On record: 10:53 a.m.)	10:39
6	7	THE VIDEOGRAPHER: We are on the record at	10:53
7		10:53 8 a.m.	
8	10:53		
9	9	BY MS. WEAVER:	10:53
10	10	Q. Hello, K.P. You understand you are still	10:53
11	11	under oath, correct?	10:53
12	12	A. Yes, I do.	10:53
13	13	Q. Okay. Returning to where we left off, we	10:53
14	14	were discussing behavioral data before the break.	10:53
15	15	Do you recall that?	10:53
16	16	A. Yes, I do.	10:53
17	17	Q. And you testified that behavioral data is	10:53
18	18	activities happening on third-party sites that are	10:53
19	19	captured through a Facebook product, a pixel, or an	10:53
20	20	SDK; is that correct?	10:53
21	21	A. Correct.	10:53
22	22	MS. STEIN: Object to form.	10:53
23	23	BY MS. WEAVER:	10:53
24	24	Q. And so to the right here do you see it	10:53
25	25	says "Website browsing behavior, Conversions,	10:53

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1	(example, purchases) off Facebook"? Do you see	10:53
2	that?	10:54
3	A. Yes, I do.	10:54
4	Q. Okay. So does this reflect that Facebook	10:54
5	receives browsing behavior and conversions off	10:54
6	Facebook about users?	10:54
7	MS. STEIN: Objection to form.	10:54
8	THE WITNESS: Yeah. So at a very high	10:54
9	level, whenever someone is using the pixel, and to	10:54
10	the extent that they use the pixel in different	10:54
11	parts of their website, we would be able to have an	10:54
12	understanding of the purchase flow, if that's what	10:54
13	they are optimizing.	10:54
14	BY MS. WEAVER:	10:54
15	Q. Okay. And do you see here where it says	10:54
16	"Explicit actions (likes, logins) off Facebook"?	10:54
17	A. Yes.	10:54
18	Q. Do you see that? What does that refer to?	10:54
19	MS. STEIN: Objection. Asked and	10:54
20	answered.	10:54
21	You can answer.	10:54
22	THE WITNESS: This is in relation to the	10:54
23	web SDK and refers to activities captured in -- this	10:54
24	is for the purpose of those examples via the	10:55
25	Facebook log-in button and a like button.	10:55

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1	BY MS. WEAVER:	10:55
2	Q. Okay. And do you see at the bottom of the	10:55
3	page here it refers to "Onavo"?	10:55
4	A. Yes.	10:55
5	Q. And what is Onavo?	10:55
6	A. Onavo is a -- an app we acquired some	10:55
7	five, six years ago, if I'm not mistaken, that's	10:55
8	offers the users the ability to compress the data	10:55
9	from all apps that they used on their phones to save	10:55
10	on data charges.	10:55
11	Q. So it was called Onavo Protect; is that	10:55
12	correct?	10:55
13	A. I don't remember the exact name of the	10:55
14	app.	10:55
15	Q. Do you recall that it was a VPN, a virtual	10:55
16	private network?	10:55
17	MS. STEIN: Objection to form.	10:55
18	THE WITNESS: Yes.	10:55
19	BY MS. WEAVER:	10:55
20	Q. And so did it effectively route all of the	10:55
21	user's activity through Facebook servers?	10:55
22	MS. STEIN: Object to form.	10:55
23	THE WITNESS: Through Facebook servers?	10:55
24	BY MS. WEAVER:	10:55
25	Q. Uh-huh.	10:56

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1	A. I don't think so. That was an independent	10:56
2	company.	10:56
3	Q. Right. But didn't it route all of users'	10:56
4	activity through Facebook servers?	10:56
5	MS. STEIN: Objection to form. Beyond the	10:56
6	scope.	10:56
7	MS. WEAVER: It relates directly to the	10:56
8	data that Facebook was collecting through Onavo.	10:56
9	Q. Isn't it true that Facebook suspended	10:56
10	Onavo?	10:56
11	MS. STEIN: Objection to form. Beyond the	10:56
12	scope. This witness is not testifying about --	10:56
13	MS. WEAVER: Are you instructing him not	10:56
14	to answer my question about Onavo?	10:56
15	MS. STEIN: That it's not subject to this	10:56
16	testimony. He's not here -- he knows it -- he's not	10:56
17	designated --	10:56
18	MS. WEAVER: State an objection to form or	10:56
19	instruct him not to answer. Please don't fill my	10:56
20	record with your speeches.	10:56
21	MS. STEIN: Okay. It's not a speech. I'm	10:56
22	explaining that this witness came prepared to	10:56
23	testify about certain things. He's not a company	10:56
24	witness on suspensions, so he's not answering the	10:56
25	question.	10:56

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1	BY MS. WEAVER:	10:56
2	Q. Do you see to the right of the word	10:56
3	"Onavo" here, K.P., where it says "Opt-in panel:	10:56
4	all device network activity"? Do you see that?	10:57
5	A. Yes, I see that.	10:57
6	Q. What does that refer to?	10:57
7	A. Again, only guess.	10:57
8	Q. What -- what do you believe it means?	10:57
9	MS. STEIN: The witness should not guess.	10:57
10	If he knows, he can answer. If he does not know, he	10:57
11	should not answer.	10:57
12	THE WITNESS: I don't know.	10:57
13	BY MS. WEAVER:	10:57
14	Q. Okay. Does that refer to the fact that	10:57
15	Facebook received all device network activity	10:57
16	through Onavo?	10:57
17	MS. STEIN: Objection. The witness just	10:57
18	said he doesn't know.	10:57
19	BY MS. WEAVER:	10:57
20	Q. You can answer the question.	10:57
21	A. I don't know.	10:57
22	Q. Okay. Did you have any personal	10:57
23	involvement with Onavo?	10:57
24	A. No, I didn't.	10:57
25	Q. Okay. Do you know who did?	10:57

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1	A. It's a very broad question. So in what	10:57
2	capacity?	10:57
3	Q. Who oversaw the Onavo project from within	10:57
4	Facebook? It was a partnership, correct?	10:57
5	A. No, it's not a partnership. It's an	10:57
6	acquisition.	10:57
7	Q. Okay. So who oversaw that acquisition?	10:57
8	A. On the Facebook side or --	10:57
9	Q. Yes.	10:58
10	A. -- after the acquisition?	10:58
11	Q. On the Facebook side.	10:58
12	A. I don't know.	10:58
13	Q. Okay. What about after the acquisition?	10:58
14	A. The -- I guess the CEO of Onavo.	10:58
15	Q. Okay. Move on.	10:58
16	Do you know what an opt-in panel is?	10:58
17	A. I don't know.	10:58
18	Q. So I'll turn to the next page on this	10:58
19	document. And that's the one beginning at 425. Do	10:58
20	you see that? It says "Hard Questions" at the top?	10:58
21	A. Yes.	10:58
22	Q. Okay. And then do you see where it says	10:58
23	"Does Facebook share my data with advertisers?" Do	10:58
24	you see that?	10:58
25	A. I see that.	10:58

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1	Q. And in quotes it says "We don't share the	10:58
2	private information that you put on Facebook with	10:58
3	advertisers without your consent." Do you see that?	10:58
4	A. I see that.	10:58
5	Q. And do you see that it's in quotations?	10:58
6	A. Yes.	10:59
7	Q. And is that in quotations because that was	10:59
8	Facebook's policy at the time?	10:59
9	MS. STEIN: Objection to form. If the	10:59
10	witness knows what the people who wrote this --	10:59
11	MS. WEAVER: Please stop coaching him and	10:59
12	telling him to say that he doesn't know.	10:59
13	MS. STEIN: Lesley -- Lesley, do not	10:59
14	accuse me of coaching. You've gotten --	10:59
15	MS. WEAVER: That's strike one.	10:59
16	Q. Okay. Go ahead, K.P.	10:59
17	MS. STEIN: Excuse me?	10:59
18	BY MS. WEAVER:	10:59
19	Q. I'll ask the question again. Do you know	10:59
20	at this point in time whether Facebook's policy was,	10:59
21	"We don't share the private information that you put	10:59
22	on Facebook with advertisers without your consent"?	10:59
23	A. I can only speak at a high level. This	10:59
24	has always been not just the policy but the way we	10:59
25	operated as a business.	10:59

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1	Q. Okay. Thank you.	10:59
2	And then do you see it says "Why do we use	10:59
3	that framing?" right below it?	10:59
4	A. Yes, yes.	10:59
5	Q. Okay. And then there's a bullet point	10:59
6	that says "Though Facebook's policies prohibit	11:00
7	sharing of data with data brokers or similar	11:00
8	entities, we only make commitments about what	11:00
9	Facebook will do." Do you see that?	11:00
10	A. Yes, I do.	11:00
11	Q. Okay. So is it a true statement that at	11:00
12	this time Facebook's policy prohibited sharing of	11:00
13	data with data brokers or similar entities?	11:00
14	A. Yes.	11:00
15	Q. Okay. And do you have an understanding as	11:00
16	to what the "We only make commitments about what	11:00
17	Facebook will do," what does that mean?	11:00
18	A. It means that Facebook as a business only	11:00
19	makes public commitments about things that are	11:00
20	within our control.	11:00
21	Q. Okay. And so I just want to direct your	11:00
22	attention to the bottom bullet point there in the	11:00
23	second sentence. Do you see where it says "Also, we	11:00
24	may in the future operate a 'data cooperative,' or	11:01
25	other product allowing exchange of information that	11:01

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1	people haven't given to us directly"? Do you see	11:01
2	that?	11:01
3	A. I see that.	11:01
4	Q. Okay. Do you know what a data cooperative	11:01
5	is as it's expressed here?	11:01
6	A. It would probably mean some sort of a	11:01
7	partnership with data brokers.	11:01
8	Q. Okay. And do you know if Facebook did	11:01
9	engage in a data cooperative with data brokers?	11:01
10	A. No.	11:01
11	Q. No, you don't know, or, no, they did not?	11:01
12	A. No, we haven't.	11:01
13	Q. Okay. What is -- a little bit lower	11:01
14	there, do you see "Facebook Exchange" referenced?	11:01
15	A. Yes.	11:01
16	Q. What does that refer to?	11:01
17	A. I don't know.	11:01
18	Q. Okay. There's a question here "How can	11:02
19	people see what you know about them and control	11:02
20	their ad experiences?" Do you see that?	11:02
21	A. Yes, I see that.	11:02
22	Q. And there's something there that says	11:02
23	"Context menu." Do you see it?	11:02
24	A. Yes.	11:02
25	Q. What is that?	11:02

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1	A. Sorry, I'm searching back so I can see	11:02
2	you.	11:02
3	So there is a -- an option for every app	11:02
4	that you see on your feed to check who is the	11:02
5	advertiser and why you may have been targeted.	11:02
6	Q. Okay. And can you -- that was during the	11:02
7	time period in 2012 to 2017?	11:02
8	A. My -- I don't know exactly when that	11:02
9	option was added, but I believe it was always there.	11:02
10	Q. Okay. And "Activity Log and Download Your	11:02
11	Information (DYI)." Do you see that?	11:02
12	A. Yes.	
13	Q. And it says "See the information you've	11:03
14	put on Facebook that may be used for ads." Do you	11:03
15	see that?	11:03
16	A. Yes.	11:03
17	Q. So is it true that -- well, let me back	11:03
18	up. What is the activity log?	11:03
19	A. It's a list of every single action you	11:03
20	have taken on Facebook.	11:03
21	Q. Okay. And what is "Download Your	11:03
22	Information"?	11:03
23	A. It's a user-friendly way of downloading --	11:03
24	it's a file basically, but it's a user-friendly file	11:03
25	of everything that Facebook held -- all the	11:03

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1	information that Facebook has for you.	11:03
2	Q. Okay. And going back to the activity log,	11:03
3	it's a list of every single action you have taken on	11:03
4	Facebook. Do you mean on the platform?	11:03
5	A. I believe it's on the platform, yes.	11:03
6	Q. Okay. So is it limited to only the	11:03
7	activity on the platform?	11:03
8	A. The Facebook activity log, yes.	11:04
9	Q. Okay. And back to the DYI. You say it's	11:04
10	all the information that Facebook has for you; is	11:04
11	that correct?	11:04
12	A. Yes.	11:04
13	Q. What do you mean by that?	11:04
14	A. It includes from things from like the	11:04
15	information you submitted when you created your	11:04
16	account, to the photos that you may have uploaded,	11:04
17	to the pixels of your friends you may have liked, to	11:04
18	the ads you may have seen, the videos you may have	11:04
19	watched. It's a -- it's a very lengthy, you know,	11:04
20	like document with different things.	11:04
21	Q. Okay. So going back to the previous page	11:04
22	where we were talking about appended data, does the	11:04
23	DIY tool include appended data?	11:04
24	A. No.	11:04
25	Q. Okay. Does it include behavioral data?	11:04

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1	MS. STEIN: Objection to form.	11:04
2	THE WITNESS: Yes, it does.	11:05
3	BY MS. WEAVER:	11:05
4	Q. Okay. So it includes the conversions and	11:05
5	purchases off Facebook?	11:05
6	A. I don't know about that, but it includes	11:05
7	the apps that you have logged in. It includes, I	11:05
8	think, the websites that you may have liked, and so	11:05
9	on.	11:05
10	Q. Okay. Does the Do It Yourself network	11:05
11	include the native data that was inferred from	11:05
12	engagement on the site?	11:05
13	MS. STEIN: Objection to form.	11:05
14	THE WITNESS: I think you're referring to	11:05
15	the DYI file?	11:05
16	BY MS. WEAVER:	11:05
17	Q. Yes. I'll ask the question again. Sorry.	11:05
18	Does the DIY file include native data that	11:05
19	is inferred from engagement on the site?	11:05
20	MS. STEIN: Objection to form.	11:05
21	THE WITNESS: It should include interests,	11:05
22	which are inferred data, so yes.	11:05
23	BY MS. WEAVER:	11:05
24	Q. Does it also include behaviors?	11:05
25	MS. STEIN: Objection to form.	11:05

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1	MS. WEAVER: What's the objection?	11:06
2	MS. STEIN: "Behaviors" is a very vague	11:06
3	term, Lesley.	11:06
4	MS. WEAVER: No. It's listed right here	11:06
5	on the document. So I'm going to restate the	11:06
6	question.	11:06
7	Q. Does the DIY tool also include the native	11:06
8	data that's inferred from the engagement on the site	11:06
9	like behaviors as listed in this document?	11:06
10	MS. STEIN: Objection to form.	11:06
11	THE WITNESS: So I will answer with, you	11:06
12	know, like a high-level understanding that the DYI	11:06
13	file includes the pages that you liked. And by	11:06
14	default, that's a behavior.	11:06
15	BY MS. WEAVER:	11:06
16	Q. Does Facebook engage in -- okay. But	11:06
17	just -- sorry. Just go back to that question.	11:06
18	Do you know, as you sit here today,	11:06
19	whether the DIY tool includes native data inferred	11:06
20	from engagement on the site, including interests and	11:06
21	behaviors as identified on this chart?	11:06
22	MS. STEIN: Objection to form.	11:06
23	THE WITNESS: DYI file includes activities	11:06
24	such as you liking a page that may suggest an	11:07
25	interest and, by default, explain a behavior or	11:07

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1	describe a behavior.	11:07
2	BY MS. WEAVER:	11:07
3	Q. Okay. But is that to be inferred from the	11:07
4	engagement on the site?	11:07
5	A. It's driven by your activities happening	11:07
6	on the Facebook website or the Facebook apps.	11:07
7	Q. Okay. Going back to the page ending in	11:07
8	425. We were near the bottom of the page there.	11:07
9	A. Yes.	11:07
10	Q. Do you see where it says "Centralized	11:07
11	opt-out"?	11:07
12	A. Yes.	11:07
13	Q. What does that refer to?	11:07
14	A. So this refers to the ability of the user	11:07
15	to turn off any kind of activity around behavioral	11:07
16	data captured through our SDKs --	11:07
17	THE REPORTER: I'm sorry, "Behavioral	11:08
18	data" --	11:08
19	THE WITNESS: -- and pixel.	11:08
20	THE REPORTER: I'm sorry, "Behavioral	11:08
21	data"...	11:08
22	THE WITNESS: -- captured through the SDKs	11:08
23	and pixel.	11:08
24	THE REPORTER: Thank you.	11:08
25		

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1	BY MS. WEAVER:	11:08
2	Q. And what is third-party behavioral data	11:08
3	again?	11:08
4	A. I think we exhausted that, but I will go	11:08
5	back to the definition as it's being offered in a	11:08
6	previous page: Website, browser behaviors,	11:08
7	conversations, explicit actions, mobile apps	11:08
8	installed, and so on.	11:08
9	Q. And is that contained in the DYI tool or	11:08
10	the DYI file?	11:08
11	MS. STEIN: Object to form. Objection to	11:08
12	form.	11:08
13	THE WITNESS: I'm sorry, how can a file	11:08
14	include activities as you have already opted out?	11:08
15	BY MS. WEAVER:	11:08
16	Q. Okay. What I'm asking is whether the DIY	11:08
17	tool collects third-party behavioral data as it's	11:08
18	referred to there?	11:08
19	A. I'm sorry, I feel like I'm repeating	11:08
20	myself. But the DYI file identified the apps that	11:09
21	you used, the websites that you may have liked and	11:09
22	so on. So it captures behavioral data as per --	11:09
23	Q. Okay.	11:09
24	A. -- the definition of the previous page.	11:09
25	Q. Does it collect all third-party behavioral	11:09

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1	data?	11:09
2	MS. STEIN: Objection to form.	11:09
3	THE WITNESS: All? I don't know.	11:09
4	BY MS. WEAVER:	11:09
5	Q. Yeah. Okay.	11:09
6	How would you find out?	11:09
7	A. I would have to look at the DYI file.	11:09
8	Q. Okay. And have you looked at any DYI	11:09
9	files to prepare for your deposition today?	11:09
10	A. No, I have not, because that would be a	11:09
11	violation of my commitment to users' privacy.	11:09
12	Q. Did you look at DYI files for any of the	11:09
13	named plaintiffs in this action to prepare for the	11:09
14	deposition?	11:09
15	A. No, because that would be in violation of	11:09
16	my commitment to users' privacy.	11:09
17	Q. To prepare --	11:10
18	A. I would be fired --	11:10
19	Q. If your --	11:10
20	A. -- if I look --	11:10
21	Q. If your lawyers had you look at the	11:10
22	plaintiffs' DYI files to prepare for deposition in	11:10
23	this action?	11:10
24	A. I would be fired.	11:10
25	Q. Okay. Well, we'll table that.	11:10

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1	Can you look at your --	11:10
2	A. No one here --	11:10
3	Q. Can you look at your own --	11:10
4	A. I can only look at mine.	11:10
5	Q. -- DYI -- oh, okay. So can you look at	11:10
6	your own DYI file to determine whether or not all	11:10
7	third-party behavioral data is included in it?	11:10
8	A. I can, but not right now.	11:10
9	Q. Okay. Right.	11:10
10	Okay. Give me a moment here.	11:10
11	Okay. So let's turn for a moment to the	11:11
12	page ending in 3428. It says "Location" at top.	11:11
13	Do you know who Maritza Johnson is?	11:11
14	A. No, I don't.	11:11
15	Q. Okay. And do you see, it says, "Knowing	11:11
16	where people are when they interact with our	11:11
17	services is useful for designing innovative	11:11
18	products"? Do you see that?	11:11
19	A. Yes, I do see that.	11:11
20	Q. So did Facebook track people's -- users'	11:11
21	location?	11:11
22	A. Facebook will have an understanding of the	11:11
23	user's location based on different signals.	11:11
24	Q. Okay. And you see here it says -- when	11:11
25	you say "different signals," what do you mean?	11:11

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1	A. Like if someone is using the app from	11:11
2	their mobile phone and they have allowed us access	11:11
3	to their GPS, we would have a precise, you know,	11:11
4	understanding of that location. If someone is	11:12
5	accessing Facebook through their computer, we will	11:12
6	try to determine their location from an IP address	11:12
7	and so on.	11:12
8	Q. Okay. And do you see where it says, "Is	11:12
9	derivative data produced (example, ad clusters)?"	11:12
10	It's the last bullet point --	11:12
11	A. Ah.	11:12
12	Q. -- on the top.	11:12
13	A. Yes.	11:12
14	Q. Okay. So the question is, what is	11:12
15	derivative data?	11:12
16	A. Could I read the whole thing quickly just	11:12
17	to make sure I'm --	11:12
18	Q. Absolutely, of course.	11:12
19	(Pause while witness peruses document.)	11:12
20	A. Okay.	11:12
21	Q. What is derivative data?	11:12
22	MS. STEIN: I will just instruct the	11:13
23	witness to make sure that you only testify about	11:13
24	things that you know, and that if there are things	11:13
25	in this document that you don't know or are not a	11:13

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1	company term, to please, you know, tell the	11:13
2	examiner, because you should not be testifying	11:13
3	beyond the scope of what your -- what's at issue in	11:13
4	this deposition and --	11:13
5	MS. WEAVER: This is completely within the	11:13
6	scope, Deb, and that's improper coaching.	11:13
7	Q. So, sir, do you know what derivative data	11:13
8	is?	11:13
9	A. I think there is an example for derivative	11:13
10	data there.	11:13
11	Q. I'm sorry?	11:13
12	A. Ad clusters. Ad cluster is derivative	11:13
13	data.	11:13
14	Q. Okay. That's an example of derivative	11:13
15	data?	11:13
16	A. Yes.	11:13
17	Q. Okay. How is it derived, if you will?	11:13
18	How are ad clusters derived?	11:13
19	MS. STEIN: Objection to form.	11:13
20	THE WITNESS: So at a very high level, an	11:13
21	ad cluster would be people that live in	11:13
22	San Francisco, and how this would be determined is	11:14
23	based on their location. Not their -- necessarily	11:14
24	their current location, but their consistent	11:14
25	location.	11:14

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1	And so that will potentially allow us to	11:14
2	create a cluster of people that live in	11:14
3	San Francisco with some degree of accuracy, so that	11:14
4	we don't necessarily include people that are	11:14
5	visiting San Francisco, in an ad campaign that is	11:14
6	targeting people that live in San Francisco.	11:14
7	BY MS. WEAVER:	11:14
8	Q. And how is derivative data created? Like	11:14
9	is that -- is that an algorithm that runs on the	11:14
10	explicit or implicit data and then reaches that	11:14
11	conclusion? Or how -- how is that actually --	11:14
12	A. Those are things that are --	11:14
13	MS. STEIN: Objection to form.	11:14
14	You may answer.	11:14
15	THE WITNESS: Those are things that are	11:14
16	figured out in realtime.	11:14
17	BY MS. WEAVER:	11:15
18	Q. Okay. So --	11:15
19	A. By machine that are learning algorithms	11:15
20	that are employed to identify and scan for	11:15
21	information.	11:15
22	Q. Okay. So for the record, ad clusters are	11:15
23	developed through machine learning or algorithms	11:15
24	applied to data, realtime data; is that fair?	11:15
25	MS. STEIN: Objection to form.	11:15

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1	THE WITNESS: Applied -- applied to the	11:15
2	native data based on the previous definition, yes.	11:15
3	BY MS. WEAVER:	11:15
4	Q. Okay. And where does that data that --	11:15
5	the derived data -- strike that.	11:15
6	Where is the derived data stored?	11:15
7	A. The derived data is stored -- not stored	11:15
8	anywhere. It's calculated in realtime. There is no	11:15
9	point in --	11:15
10	Q. Is it retained?	11:15
11	A. -- wasting, you know, a storage space for	11:15
12	these kind of things that are dynamic in nature.	11:15
13	Q. Okay. And is it contained in the DYI	11:15
14	file?	11:15
15	A. That -- how is that relevant for you?	11:15
16	Q. I get to ask the questions.	11:16
17	A. No, I mean -- I'm -- I'm thinking loudly.	11:16
18	That a user's information, when it is -- so the --	11:16
19	okay. So let me take a step back.	11:16
20	That data that we are talking about are	11:16
21	anonymized. They are not associated with a given	11:16
22	user. And so it wouldn't show up in a -- in user's	11:16
23	DYI file.	11:16
24	Q. Okay. And when --	11:16
25	MS. STEIN: I'm just waiting for my feed	

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1	here.	
2	Oh, could you read his answer back,	
3	please.	11:16
4	(The record was read by the	11:17
5	court reporter, as requested)	11:17
6	BY MS. WEAVER:	11:17
7	Q. And what do you mean by "associated"?	11:17
8	A. Like we have a broad understanding of who	11:17
9	lives in San Francisco but we don't know exactly who	11:17
10	lives in San Francisco.	11:17
11	Q. Okay. But the data's collected from	11:17
12	individual users, right?	11:17
13	A. It depends.	11:17
14	Q. On what?	11:17
15	A. It depends on whether the data has been	11:17
16	collected because some are explicitly said "I live	11:17
17	in San Francisco." Some people have their hometown	11:17
18	identified on Facebook, some people don't.	11:17
19	Q. Right, but it's still one individual. The	11:17
20	source of the -- the -- originally is one user,	11:17
21	right?	11:17
22	MS. STEIN: Objection to form.	11:17
23	BY MS. WEAVER:	11:17
24	Q. Because either I live in San Francisco or	11:17
25	I indicated -- I mean, all of this data comes from	11:17

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1	individuals, right?	11:17
2	A. Some of the data -- sorry. Again, if --	11:17
3	if it's -- according to the previous definition, if	11:17
4	it's native data, that means that you have provided	11:17
5	that information.	11:18
6	Q. Okay. So let's -- okay. Let's talk --	11:18
7	A. Like you have defined San Francisco --	11:18
8	Q. Right.	11:18
9	A. -- to be your hometown.	11:18
10	Q. Perfect.	11:18
11	A. Okay.	11:18
12	Q. So it's associated with me initially,	11:18
13	right?	11:18
14	A. You have specifically suggested to your	11:18
15	Facebook friends by basically filling in that	11:18
16	specific field that Facebook asked you to do that	11:18
17	your hometown is San Francisco. You may live in	11:18
18	Denver, but your hometown appears to be	11:18
19	San Francisco.	11:18
20	Q. Okay. So an algorithm runs on this data	11:18
21	and it creates an ad cluster and puts me -- when	11:18
22	does it become disassociated with me? Because it	11:18
23	was initially associated, correct?	11:18
24	A. That association will never cease to exist	11:18
25	unless you basically go there and suggest that you	11:18

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1	move to Denver.	11:18
2	Q. Okay. I'm just -- honestly, K.P., I'm	11:18
3	trying to understand your answer.	11:18
4	You said the data that we are talking	11:18
5	about is not associated with specific users. We	11:18
6	just talked about --	11:19
7	A. Yes, please.	11:19
8	Q. -- it was associated with an individual	11:19
9	user because they're from San Francisco.	11:19
10	A. Yes.	11:19
11	Q. So when does it become disassociated?	11:19
12	A. But I'm trying to explain to you the	11:19
13	distinction between data that comes from native	11:19
14	data, to use your --	11:19
15	Q. Okay.	11:19
16	A. -- the definition in this document, versus	11:19
17	behavioral data.	11:19
18	Q. Okay. And --	11:19
19	A. So -- no, no, no, no. Sorry. I have to	11:19
20	be super precise here.	11:19
21	There are two kinds of native data. There	11:19
22	are native data that come because you have, as a	11:19
23	user, indicated that your hometown is San Francisco.	11:19
24	Q. Right.	11:19
25	A. And there is native data that comes from	11:19

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1	your activity. So if -- hypothetically speaking, I	11:19
2	don't -- I don't know exactly what period of time we	11:19
3	are going to be looking at, but let's say for the	11:19
4	last three -- the last 30 days you have accessed	11:19
5	Facebook from an IP address in -- in San Francisco,	11:19
6	that is still, according to our definition, native	11:19
7	data. But it's -- it's not data that's -- it's	11:19
8	directly explicitly, you know, like, documented by	11:19
9	the user, but it's in data inferred by their	11:20
10	activity.	11:20
11	Q. Okay. And so the --	11:20
12	A. Still native.	11:20
13	Q. I understand.	11:20
14	By the way, would you use a different word	11:20
15	than native data? Is there another way to reference	11:20
16	that?	11:20
17	A. I would probably use on-site activity.	11:20
18	Q. On-site activity?	11:20
19	A. Versus off-site activity.	11:20
20	Q. Okay. Perfect.	11:20
21	Do you -- would you use the -- the words	11:20
22	"appended data" or is there another term for that?	11:20
23	A. I haven't heard that term until recently.	11:20
24	Until this --	11:20
25	Q. Okay. Do you have another understanding	11:20

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1	of how people at Facebook refer to it?	11:20
2	A. Customer data provided by third parties or	11:20
3	something --	11:20
4	Q. Okay.	11:20
5	A. -- like that.	11:20
6	Q. All right. And then what about behavioral	11:20
7	data; is there another term of art at Facebook used	11:20
8	to reference that?	11:20
9	A. That's my definition of offline activity.	11:20
10	Q. Offline activity. Okay.	11:20
11	A. Oh, sorry, off-site activity.	11:20
12	Q. Off-site. I see. Okay.	11:20
13	So going back to what we're talking about,	11:21
14	the -- there is an algorithm that runs on the native	11:21
15	data and it creates, as you were supposing, an ad	11:21
16	cluster, right?	11:21
17	A. Yes.	11:21
18	Q. Where is that data stored? Where is the	11:21
19	ad cluster data stored?	11:21
20	A. It's not stored anywhere. It's dynamic.	11:21
21	Q. Okay. It's dynamic. Is it purged? I	11:21
22	mean, it exists at some point and then it doesn't	11:21
23	exist? What happens to it?	11:21
24	A. Okay. At the very high level, if we are	11:21
25	talking about the specific scenario that a business	11:21

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1	that is operating in San Francisco wants to target	11:21
2	users in San Francisco, they will run the campaign	11:21
3	for, let's say, two days; they will target specific	11:21
4	users that live in that area. They may target only	11:21
5	females or only men, people of a certain age, people	11:21
6	of a certain profession, depending on, you know,	11:21
7	like, what sort of campaign they want to run, right?	11:21
8	So that will all be effectively identified	11:21
9	as a potential audience of, let's say for the sake	11:21
10	of the argument, 20,000 users. They still have no	11:22
11	access to the information. They only understand	11:22
12	what is the potential audience their ad campaign can	11:22
13	reach.	11:22
14	And then when they start, you know, like,	11:22
15	placing the advertisement, then their advertisement	11:22
16	is going to go into an auction. That auction may	11:22
17	actually, you know, allow others to beat against	11:22
18	that same audience. So if there is a competitor of	11:22
19	this service, or another service that wants to	11:22
20	target people with similar characteristics that live	11:22
21	in San Francisco, they may or may not see the first	11:22
22	ad. So it's the highest bidder that will have the	11:22
23	ad show up.	11:22
24	So all that is so, you know, like,	11:22
25	calculated in realtime that there is no way for us	11:22

1	to actually store that information anywhere.	11:22
2	Q. Okay. So let me ask this: So I'm -- say	11:22
3	I'm being targeted in that ad campaign. Is there a	11:22
4	way for me to find out that I was targeted by those	11:22
5	categories that the advertiser chose?	11:22
6	A. You can see it only if that ad campaign	11:23
7	shows up to you.	11:23
8	Q. Okay. And only in realtime? And there's	11:23
9	no record of it after that?	11:23
10	A. I think you can actually see the -- the	11:23
11	information in realtime. But if you go to the DYI	11:23
12	file, you can see probably ad campaigns that you	11:23
13	have been displayed -- or you have seen yourself, or	11:23
14	you have clicked.	11:23
15	Q. Okay. But if they were --	11:23
16	A. You know --	11:23
17	Q. -- targeted to me and I didn't take an	11:23
18	action, it's not in the DYI file; is that right?	11:23
19	A. You -- you will see the ad campaigns that	11:23
20	ended up showing up on your feed, but you wouldn't	11:23
21	see any ad campaigns that, for whatever reason, you	11:23
22	haven't seen, because there was another advertiser	11:23
23	that won the bid.	11:23
24	Q. Got it.	11:23
25	And so let's talk about the information	11:23

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1	that is used to create the derived data. How do you	11:23
2	determine what information can be used to apply	11:24
3	those algorithms?	11:24
4	A. I need to clarify that question.	11:24
5	Q. Yeah, it's -- so is only public	11:24
6	information used to create derived data?	11:24
7	MS. STEIN: Objection to form.	11:24
8	THE WITNESS: Okay. So are you talking	11:24
9	about derived data in the context of location, or	11:24
10	you're talking about derived data broadly?	11:24
11	BY MS. WEAVER:	11:24
12	Q. Well, what is derived data broadly?	11:24
13	A. I mean, I don't know of any use of derived	11:24
14	data broadly, but I'm trying to understand exactly	11:24
15	how you want me to answer the question in a	11:24
16	thoughtful way.	11:24
17	Q. Okay. Well, derived data is the product	11:24
18	of an algorithm running on realtime data; is that a	11:24
19	fair definition?	11:24
20	A. I think the -- the definition that we were	11:24
21	talking about was a strict association with the	11:24
22	location information and the idea of creating ad	11:25
23	clusters based on location information.	11:25
24	Q. That was an example, right?	11:25
25	A. Yes.	11:25

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1	Q. But at large, is it fair to say that	11:25
2	derived data is created through algorithms running	11:25
3	on realtime data?	11:25
4	MS. STEIN: Objection to form.	11:25
5	THE WITNESS: I cannot talk about that.	11:25
6	But derived data is a -- a broad, you know, like,	11:25
7	industry term that you can use, and it's a legal	11:25
8	term as well, as far as I understand. It can be	11:25
9	used in different context and it doesn't always	11:25
10	require realtime processing.	11:25
11	BY MS. WEAVER:	11:25
12	Q. Okay. So let's -- we can stick with your	11:25
13	example then if you like for now.	11:25
14	What if I sent a -- a private -- a message	11:25
15	in Facebook Messenger to one friend saying "I used	11:25
16	to live in San Francisco" and I've never posted	11:25
17	anything publicly about it. Is that information	11:25
18	used to create the derived data for ad clusters?	11:26
19	A. No.	11:26
20	Q. Why not?	11:26
21	A. That's a private conversation between you	11:26
22	and your friend --	11:26
23	Q. Okay.	11:26
24	A. -- that --	11:26
25	Q. So how does the algorithm distinguish --	11:26

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1	let me ask this: When the data is being run on	11:26
2	algorithms, is it segregated by public or private	11:26
3	data?	11:26
4	A. So your definition of public or private is	11:26
5	what, if I may say?	11:26
6	Q. If a user designated something private or	11:26
7	restricted audience.	11:26
8	A. Okay. Let's take a little bit of a step	11:26
9	back. Because what we define as public data is	11:26
10	basically your first name, your last name, your	11:26
11	profile picture.	11:26
12	Q. Okay.	11:26
13	A. Anything else that comes with a -- an	11:26
14	audience selection doesn't necessarily belong --	11:26
15	it's not necessarily by default public. It may have	11:26
16	a limited audience. It may be just you, if it's	11:26
17	things like your birthday, or it may be friends --	11:27
18	or accessible to your friends.	11:27
19	What we always, you know, like, like to	11:27
20	suggest that communications that happen over	11:27
21	messenger is also by default private, meaning that	11:27
22	it's -- the content of your exchanges with your	11:27
23	friends belong to you and your friends. So that	11:27
24	wouldn't be considered public information. But it	11:27
25	wouldn't be considered necessarily private	11:27

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1	information because it's not accessible by anybody	11:27
2	in that -- it's a private conversation but it's not	11:27
3	private data in that sense.	11:27
4	Q. And when Facebook is, let's say -- we can	11:27
5	just stick with your ad clusters example. When it	11:27
6	is using the algorithm to create derived data, such	11:27
7	as ad clusters, is it using that world of	11:27
8	information that you just described that is not	11:27
9	public?	11:27
10	A. We would be using native data such as your	11:27
11	registered home location and things like your IP	11:28
12	address to determine where you live.	11:28
13	Q. Okay. But what I'm trying to say is --	11:28
14	and I gave you a different example. So if you	11:28
15	could, just follow my example. Okay.	11:28
16	A. We wouldn't. I think I made --	11:28
17	Q. Okay.	11:28
18	A. -- that point that --	11:28
19	Q. When I -- when I look --	11:28
20	A. -- you telling your friends you live in	11:28
21	San Francisco is your business and it's not for us	11:28
22	to use in any kind of ads.	11:28
23	Q. Okay. And that's because reading messages	11:28
24	and using that content and making it available to	11:28
25	advertisers would violate Facebook's policies,	11:28

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1	right?	11:28
2	A. Reading private communications between you	11:28
3	and your friends would be a violation of our	11:28
4	commitment to your privacy.	11:28
5	Q. Okay. Switching topics just for a second.	11:28
6	You know what capabilities are; is that	11:28
7	right?	11:29
8	A. In what --	11:29
9	Q. In connection with -- in connection with	11:29
10	APIs?	11:29
11	A. Yes, I do.	11:29
12	Q. Okay. Sorry.	11:29
13	So are you familiar with the read stream	11:29
14	capability?	11:29
15	A. Read stream is an API but there is an	11:29
16	associated capabilities.	11:29
17	Q. Yeah. And what is that?	11:29
18	A. It's an API that allows a third party to	11:29
19	access someone's News Feed.	11:29
20	Q. Okay. And what does "read stream" mean in	11:29
21	particular?	11:29
22	A. It's a very poorly, you know, like,	11:29
23	defined --	11:29
24	Q. It should probably be for the period 2012	11:29
25	to 2017.	11:29

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1	A. Yes. So the News Feed is also referred as	11:29
2	stream.	11:29
3	Q. Uh-huh.	11:29
4	A. And that API and the corresponding	11:29
5	capability effectively describes the ability to read	11:29
6	the stream.	11:29
7	Q. Okay.	11:29
8	A. In other words, read the News Feed.	11:29
9	Q. Okay. And are you aware at any point in	11:30
10	time if third parties were allowed to read Facebook	11:30
11	Messenger messages?	11:30
12	MS. STEIN: Objection.	11:30
13	BY MS. WEAVER:	11:30
14	Q. Through -- through API capabilities?	11:30
15	MS. STEIN: Objection to form. And we're	11:30
16	talking about 2012 to 2017.	11:30
17	You may answer.	11:30
18	THE WITNESS: Between 2012 and 2017, I	11:30
19	don't think we made the -- the Messenger API -- the	11:30
20	current version of the Messenger API available.	11:30
21	THE REPORTER: I'm sorry. That -- that...	11:30
22	THE WITNESS: So I'm -- between 2012 and	11:30
23	2017, the current version of the Messenger API was	11:30
24	not available. I think the only way for third	11:30
25	parties to access Messenger was through the Inbox	11:30

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1	API.	11:30
2	MS. WEAVER: I'm sorry, I just need to	11:30
3	look really quickly.	11:31
4	Q. What is the Inbox API?	11:31
5	A. It's an API that allows a third party to	11:31
6	access a user's Messenger conversation.	11:31
7	Q. Okay. And what do those third parties --	11:31
8	strike that.	11:31
9	What access were they given to --	11:31
10	A. So the third --	11:31
11	Q. -- use Messenger conversation?	11:31
12	A. Yeah. The third parties that had access	11:31
13	to the Inbox API were app third parties that	11:31
14	replicated core Facebook functionality, including	11:31
15	messaging. So we call those integrations device	11:31
16	integrations because they were replicating	11:31
17	Facebook -- the Facebook app.	11:31
18	Q. Are you aware -- are you familiar with the	11:31
19	company Royal Bank of Canada, RBC?	11:31
20	A. Yes. Yes.	11:31
21	Q. Did -- did they have access to Messenger	11:31
22	inboxes during this time period?	11:32
23	A. They had the access to an API that allowed	11:32
24	them to write into someone's inbox.	11:32
25	Q. And why?	11:32

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1	A. But -- but not to read.	11:32
2	Q. Okay. And why --	11:32
3	A. Why?	11:32
4	Q. -- did they have that access?	11:32
5	A. Because we were testing the ability for a	11:32
6	Royal Bank of Canada customer that wants to wire	11:32
7	money to friends to tell them through Messenger that	11:32
8	they have successfully wired the money.	11:32
9	Q. So I'm going to turn to the page ending	11:32
10	with 429 now. It's just the next page of the same	11:32
11	document.	11:32
12	Oh, strike it. I will move on.	11:32
13	Going, actually, to the page ending in	11:33
14	430. What is "facial recognition" as used in this	11:33
15	document?	11:33
16	A. Can I take a quick moment to read the	11:33
17	document?	11:33
18	Q. Of course. Sorry.	11:33
19	A. Thank you.	11:33
20	(Pause while witness peruses document.)	11:33
21	A. I'm sorry, there's a little bit of	11:33
22	background noise. I don't know where it's coming.	11:33
23	MS. WEAVER: I think that's Ms. Stein.	11:33
24	But maybe not.	11:33
25	MS. STEIN: Sorry. Sorry.	11:33

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1	THE WITNESS: Oh. Okay.	11:33
2	MS. STEIN: I will -- I will mute. The	11:33
3	gardeners are here. Hazards of --	11:33
4	MS. WEAVER: Yes.	11:33
5	MS. STEIN: -- of COVID.	11:33
6	BY MS. WEAVER:	11:33
7	Q. I'm going to direct your attention just to	11:33
8	a few pages here.	11:33
9	A. Okay.	11:33
10	Q. Great.	11:33
11	So what is facial recognition, the facial	11:33
12	recognition feature that's referred to in this	11:34
13	document?	11:34
14	A. And do you want me to read what is defined	11:34
15	in this document or shall I tell you --	11:34
16	Q. Just tell me --	11:34
17	A. -- what my understanding?	11:34
18	Q. -- your understanding.	11:34
19	Yes, sorry.	11:34
20	A. So it's a -- it's a code that allows us to	11:34
21	understand who may be shown or seen in a picture, in	11:34
22	a photo.	11:34
23	Q. Okay. And how does it work?	11:34
24	A. Technically?	11:34
25	Q. Yes.	11:34

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1	A. Through a combination of pattern matching	11:34
2	and other characteristics.	11:34
3	Q. Combination of? I just didn't understand	11:34
4	you. Could you repeat it again.	11:34
5	A. Pattern matching.	11:34
6	Q. Pattern --	11:34
7	A. So we try to see patterns.	11:34
8	Q. Pattern -- pattern matching?	11:34
9	A. Yes.	11:34
10	Q. Okay. And what patterns? It's looking at	11:34
11	people's faces for those patterns; is that correct?	11:34
12	A. Yeah. Would analyze certain	11:34
13	characteristics of your face and try to, you know,	11:34
14	create a matching with a pattern. And then when we	11:35
15	see a similar pattern, we can associate this back to	11:35
16	you.	11:35
17	Q. Okay. And so if you turn to the second	11:35
18	page here ending in 3431, do you see where it says	11:35
19	"Graph Search"? It's in bold.	11:35
20	A. Yeah.	11:35
21	Q. Okay. And then it says, "We're looking to	11:35
22	incorporate facial recognition results in Graph	11:35
23	Search."	11:35
24	Do you see that?	11:35
25	A. Yes.	11:35

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1	Q. Do you -- what is Graph Search?	11:35
2	A. Graph Search is our own version of	11:35
3	searching within the graph.	11:35
4	Q. And what do you mean by graph?	11:35
5	A. Everything at Facebook is the graph. Any	11:35
6	entity, any connection that's affecting the part of	11:35
7	the graph.	11:35
8	Q. Okay. Is it a relational database?	11:35
9	A. It's not a -- a database per se. The	11:35
10	graph is -- I don't know. It's a -- it's an	11:35
11	abstract thing that describes basically every single	11:36
12	connection and entity on -- on the platform.	11:36
13	Q. Okay. So if somebody is using Graph	11:36
14	Search, they are searching all over Facebook's	11:36
15	entire network; is that right?	11:36
16	A. Sort of, because there may be exceptions	11:36
17	to that. Like people that opt out from --	11:36
18	Q. Okay.	11:36
19	A. -- from that they wouldn't have their	11:36
20	results in that.	11:36
21	Q. If people opt out, are they still in the	11:36
22	graph?	11:36
23	A. They can opt out from being discovered	11:36
24	through Graph Search.	11:36
25	Q. But they're still in the graph?	11:36

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1	A. But they are still in the graph, yes.	11:36
2	Q. Is there any way to be removed from the	11:36
3	graph?	11:36
4	A. You have to delete your Facebook account.	11:36
5	Q. Okay. And if I go to delete my Facebook	11:36
6	account, what is deleted? Is all the data relating	11:36
7	to me deleted?	11:36
8	A. Your interactions with public entities	11:36
9	will not be deleted.	11:36
10	Q. So how do you identify all of the data to	11:37
11	delete?	11:37
12	A. My -- my response would be anything that	11:37
13	lives in the "Download Your Information" file is	11:37
14	going to disappear.	11:37
15	Q. What about all the rest of the data in the	11:37
16	graph?	11:37
17	A. Again, the only exception here would be,	11:37
18	you know, like, your interactions with public	11:37
19	entities. If you end -- ended up commenting on	11:37
20	United's page you didn't like their service, that	11:37
21	is, by default, public and is not personal	11:37
22	information. And, to some extent, it belongs also	11:37
23	to United because you did that on their entity.	11:37
24	Q. So --	11:37
25	A. But pretty much every -- everything else	11:37

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1	that is associated to you will be deleted.	11:37
2	Q. Okay. And when you say "is associated to	11:37
3	me," what do you mean?	11:37
4	A. Any kind of on-site or off-site activity.	11:37
5	Q. What about derived data?	11:37
6	A. The derived data, again, if we are talking	11:38
7	about location? Are we?	11:38
8	Q. No. Just in general. Derived data in	11:38
9	general.	11:38
10	A. Oh. In general?	11:38
11	Q. Yeah.	11:38
12	A. Derived data may be your interest like we	11:38
13	discussed before that may be inferred from you	11:38
14	liking Beyonce's page, that will show up in the DYI	11:38
15	file. So, yes, they will be deleted.	11:38
16	Q. Okay. You -- you referred earlier to data	11:38
17	that is not associated with individuals. Do you	11:38
18	recall that?	11:38
19	A. I need to play back my -- you know, like,	11:38
20	my sentence. Okay. What about it?	11:38
21	Q. You -- okay. So there is data that is not	11:38
22	associated with individual users; is that right?	11:38
23	A. Overall?	11:38
24	Q. Yes.	11:38
25	A. Yes, we -- we do have some information	11:38

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1	that is not associated with specific users.	11:38
2	Q. Right.	11:38
3	A. Like United's page on Facebook is not	11:38
4	associated with specific users.	11:38
5	Q. Okay. We'll put a pin in this and we'll	11:38
6	come back to it. Because I think really drilling in	11:39
7	on what Facebook can identify about me specifically	11:39
8	is at the heart of this deposition.	11:39
9	Okay. So going back to facial	11:39
10	recognition. Do you see the bullet point below? It	11:39
11	says "Storing face templates." Do you see that?	11:39
12	A. Yes.	11:39
13	Q. And it says, "The Privacy XFN team is	11:39
14	currently exploring the feasibility of storing face	11:39
15	templates in both the US and EU even after a user	11:39
16	turns off the tag suggest setting."	11:39
17	Do you see that?	11:39
18	A. Yes.	11:39
19	Q. What is the Privacy XFN team?	11:39
20	A. It's a team that we have that reviews	11:39
21	every single product that we are launching from a	11:39
22	privacy perspective.	11:39
23	Q. Okay. And what is a face template?	11:39
24	A. I think I referred to that as a pattern	11:39
25	area.	11:39

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1	Q. Okay. And do you know whether or not	11:39
2	Facebook actually did store face templates in the US	11:39
3	after users turned off the tag suggest setting?	11:40
4	A. I don't know.	11:40
5	Q. Who would know?	11:40
6	A. I don't know.	11:40
7	Q. Who at Facebook was in charge for facial	11:40
8	tech -- recognition technology at this time?	11:40
9	A. I don't know.	11:40
10	Q. Who is Emily Sharpe?	11:40
11	A. I -- I don't know. I've heard that name	11:40
12	just recently.	11:40
13	Q. Okay. So I'd like for you to turn to the	11:40
14	next page. It says "Apps, Acquisition, and Creative	11:40
15	Labs" and it has the name of Travis Bright	11:40
16	underneath it. Do you see that?	11:40
17	A. Yes.	11:40
18	Q. And this is page 3433.	11:40
19	Who is Travis Bright?	11:40
20	A. I don't know.	11:40
21	Q. Okay. So I'm going to direct your	11:40
22	attention to the last paragraph there where it says,	11:40
23	it begins, "The next step up from this is sharing of	11:40
24	anonymized, aggregated, or hashed data."	11:41
25	Do you see that?	11:41

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1	A. And you said next page?	11:41
2	Q. I'm on the -- sorry. I'm on the bottom	11:41
3	paragraph on the page ending with 3433.	11:41
4	A. Oh, okay.	11:41
5	Sorry, which sentence?	11:41
6	Q. Well, let's do this. Do you see where it	11:41
7	says "Data Integration"?	11:41
8	A. Yes.	11:41
9	Q. Okay. So there it says, "Facebook's data	11:41
10	is hugely valuable but comes with a lot of	11:41
11	restrictions we've either placed on ourselves or by	11:41
12	external parties (regulators)."	11:41
13	Do you see that?	11:41
14	A. Yes.	11:41
15	Q. And it says a little bit lower there,	11:41
16	"Some apps want to take advantage of the data we	11:41
17	have while some are trying to simplify their app by	11:41
18	running it independently."	11:41
19	Do you see that?	11:41
20	A. Yes.	11:41
21	Q. And so they use as an example Slingshot	11:41
22	here and says it's "stored in Parse completely	11:41
23	separate from Facebook data."	11:41
24	Do you see that?	11:42
25	A. Yes.	11:42

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1	Q. What is Parse?	11:42
2	A. A Parse is a product that Facebook	11:42
3	acquired a long time ago that provide -- provided	11:42
4	cloud services to mobile apps.	11:42
5	Q. Got it.	11:42
6	And then looking forward, it says, "Even	11:42
7	Slingshot needed APIs built to allow Facebook to	11:42
8	extract data for reporting and search warrants."	11:42
9	Do you see that?	11:42
10	A. Let me see. Where are you now?	11:42
11	Q. I'm sorry. It's two sentences -- here,	11:42
12	I'll go at the sentence ahead. "You only need a	11:42
13	phone to create an account, aliases used in the app	11:42
14	aren't linked to Facebook profiles, and they are	11:42
15	showing ads so don't even need demographic or	11:42
16	aggregated data."	11:42
17	Do you see that?	11:42
18	A. Yes.	11:42
19	Q. And then it says, "But even Slingshot	11:42
20	needed APIs built to allow Facebook to extract data	11:42
21	for reporting and search warrants."	11:42
22	Do you see that?	11:42
23	A. Yes.	11:42
24	Q. Do you have any familiarity with Slingshot	11:42
25	and building APIs for it?	11:42

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1	A. No.	11:42
2	Q. Okay. Now, it -- it's referring to	11:42
3	Facebook extracting data for reporting and search	11:43
4	warrants. Do you see that?	11:43
5	A. Yes, I do see that.	11:43
6	Q. Does Facebook do that?	11:43
7	A. Export data for search warrants?	11:43
8	Q. Yeah.	11:43
9	A. I think we are obliged to do that by the	11:43
10	regulation and policy enforcement -- sorry --	11:43
11	Q. Okay.	11:43
12	A. -- criminal enforcement authority.	11:43
13	THE REPORTER: I'm sorry. By the --	11:43
14	BY MS. WEAVER:	11:43
15	Q. And when Facebook extracts data --	11:43
16	THE REPORTER: I'm sorry. I'm sorry. By	11:43
17	the what authority?	11:43
18	THE WITNESS: I'm sorry?	11:43
19	THE REPORTER: You said something	11:43
20	authority. What authority?	11:43
21	THE WITNESS: I don't know if that's the	11:43
22	right term, criminal authorities.	11:43
23	BY MS. WEAVER:	11:43
24	Q. Criminal authorities?	11:43
25	A. Yeah.	11:43

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1	THE REPORTER: Thank you.	11:43
2	BY MS. WEAVER:	11:43
3	Q. And when Facebook extracts data for search	11:43
4	warrants, is it doing for -- it for specific	11:43
5	individuals sometimes?	11:43
6	A. I haven't been involved in the process, so	11:43
7	I don't know.	11:43
8	Q. Okay. Do you know if Facebook uses the	11:43
9	DIY tool to provide authorities with data in	11:43
10	response to search warrants?	11:44
11	A. My understanding is that, yes, we do.	11:44
12	Q. And do you use any other search methods to	11:44
13	provide information for search warrants?	11:44
14	A. I don't know.	11:44
15	Q. Who would know?	11:44
16	A. I don't know.	11:44
17	Q. Okay. So here, going back to the	11:44
18	paragraph where we started, it says "The next step	11:44
19	up from this is sharing of anonymized, aggregated,	11:44
20	or hashed data."	11:44
21	Do you see that?	11:44
22	A. Yes.	11:44
23	Q. And what is anonymized data?	11:44
24	A. Anonymized is any data that cannot be	11:44
25	associated with a specific user.	11:44

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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